

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9776 of 2021

1.R.Krishnamoorthy @ Vijay
2.T.Sakthivel

... Petitioners

Vs.

The State Rep. By:-
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(FIR.No.218/2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in FIR.No.218 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.Palanisamy

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest pursuant to the First Information Report registered against them in Crime No.218 of 2021 on the file of the respondent police under Sections 147, 148, 294(b), 323, 324, 341 and 506(ii) IPC, seek anticipatory bail.

2. A reading of the First Information Report shows that the offence stems out of a group clash between two group of persons. No specific overt act has been alleged against the petitioners.

3. Hence, I am of the opinion that the petitioners could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Uthangarai, within 15 days from the date of resumption of regular hearings in the said Court, subject to the following conditions:

[a] The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed;

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**;

[g] if the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

4. Considering the present situation, the petitioners are granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-

03/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S C. PALANISAMY Advocate on payment of necessary
charges

CRL OP.9776/2021

Date :03/06/2021

TA-13/07/2021



WEB COPY