

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9900 of 2021

1.Baskar
2.Silambarasan
3.Raja @ Sasikumar
4.Ananthakumar
5.Sathiyaraj
6.Arul

... Petitioners

Vs.

State Rep by,
The Station House Officer,
Chinnasalem Police Station,
Salem Main Road, Chinnasalem,
Kallakurichi.
(Crime No.316 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.316 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Saravanan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

Captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' (Cr.P.C., for the sake of brevity) has been filed by six petitioners [A5 to A10] apprehending arrest by the respondent State for the alleged offences / alleged offences punishable under Sections 147, 341, 294(b), 323, 324, 506 (2), 367 and 307 of 'The Indian Penal Code, 1860' ('IPC' for the sake of brevity), vide Crime No.316 of 2021, on the file of the Station House Officer, Chinnasalem Police Station, Salem Main Road, Chinnasalem, Kallakurichi.

2. In this virtual Court, Mr.R.Saravanan, learned counsel for petitioners and Mr.A.Gopinath, learned State Counsel on behalf of respondent were heard.

3. There is no dispute that the injured has since been discharged from the hospital. There is also no dispute that A1 to A4 were secured, remanded, incarcerated and enlarged on bail vide order dated 17.04.2021 in C.M.P.No.2355 of 2021 on the file of the learned Principal Sessions Judge's Court, Villupuram.

4. In the light of the narrative thus far, the prayer for anticipatory bail is acceded to subject to conditions set out infra in this order.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the **learned Judicial Magistrate, No.II, Kallakurichi**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) if there is 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 per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**;

and

(f) though obvious, it is made clear that, if the accused/petitioner herein thereafter abscond, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
04/06/2021

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,
NO.II, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
CHINNASALEM POLICE STATION,
SALEM MAIN RD, CHINNASALEM,
KALLAKURICHI.

CC to M/S.R.SARAVANAN Advocate on payment of necessary charges

CRL OP.9900/2021

सत्यमेव जयते Date : 04/06/2021

TA-13/07/2021

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