

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10580 of 2021

1.Suresh

2.Kutty @ Thilipkumar

3.Vicky @ Vignesh

..Petitioners/Accused Nos.1 to 3

-Vs-

The State Rep. by

The Inspector of Police,

Sipcot Police Station,

Krishnagiri District.

Crime No.173 of 2021.

..Respondent/Prosecuting Complainant

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioners on bail in the event of their arrest in connection with the Crime No.173 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.A.Gopinath

Government Advocate (Criminal Side)

ORDER

(The Case has been heard through Video Conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 323, 506(ii) of IPC, in Crime No.173 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to land dispute, the petitioners had abused and assaulted the defacto complainant resulting in the defacto complainant sustaining injuries. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to a land dispute between the parties and that the petitioners are no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital and there is no previous case against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances and the submissions of the learned counsels and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Hosur, on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

(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 petitioner 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2021

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.10580/2021

Date :18/06/2021

cs 13/07/2021

WEB COPY