

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.12699 of 2021

1. Krishnan, S/o.Iyappan
2. Selvam, S/o.Arumugam
both residing at Ambedkar Colony,
Seerapalli, Rasipuram, Namakkal District. ... Petitioners

Vs.

State Represented by
The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
Cr.No.284 of 2021. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.284 of 2021 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mr.L.Baskaran
Government Advocate
(Crl. side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 307 and 506 (ii) of IPC and Section 11 read with 12 of POCSO Act of in Crime No.284 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is alleged to have waylaid the defacto complainant's daughter and proposed his love and she in turn had informed the same to the defacto complainant. Therefore, the defacto complainant had sent his daughter to his relative's house. The further case of the prosecution is that the petitioners along with his relatives went to the house of the defacto complainant and attacked the defacto complainant with a reaper sticks and stones and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against them.

He would further submit that co-accused have already been arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the first petitioner propose love affair to the daughter of the defacto complainant and as the defacto complainant sent his daughter to his relative's house, the petitioners along with his relatives went to the house of the defacto complainant and attacked him. He would further submit that co-accused have already been arrested and released on bail and the petitioner and his family members are advised not to disturb the defacto complainant's family members.

5. Considering the facts and circumstances of the case that the Co-accused already released on bail, this court is inclined to grant anticipatory bail to the petitioner 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 four

weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate, Rasipuram, on condition that each of the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 and on further condition that:

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

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

23.07.2021

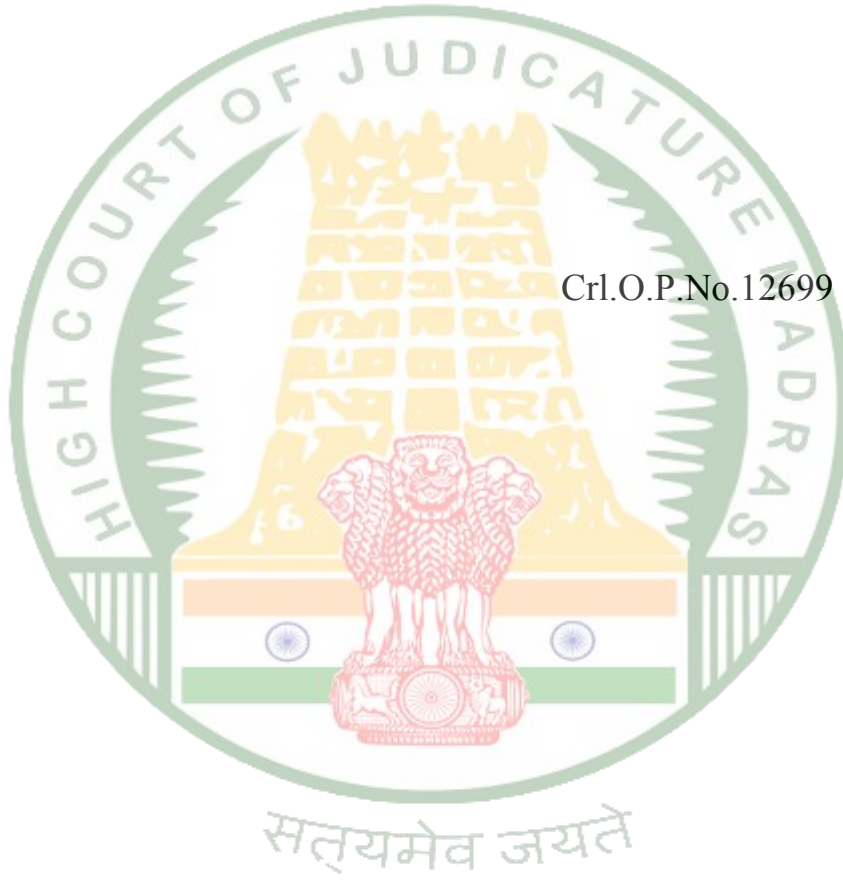
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To

1. The Judicial Magistrate,
Rasipuram.
2. The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

T.V.THAMILSELVI, J.

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