



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12267 of 2021

1.R.Karthick
2.A.Sathish Kumar

...Petitioners

Versus

State Rep. By
The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.
(Cr.No.520 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent Police in Crime No.520 of 2021 on the file of the respondent Police.

For Petitioners : Mr.K.Govi Ganesan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324 and 506(i) IPC in Cr.No.520 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having hardware shop in Masakaliapalayam. On 05.07.2021 at about 5.00 pm, the accused persons came to his shop in a drunken stage and asked for money. The defacto complainant refused to give money and scolded them to go out of his shop. After some time, the accused persons came back to his shop and threatened and assaulted the defacto complainant and his workers with dire consequences. Based on the complaint of the defacto complainant, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that the petitioners have not caused any injury to any persons and there are no previous cases pending against the petitioners.

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5. Considering the fact that there is no injury caused by the petitioner and further there is also no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.2, Coimbatore**, on condition that 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 and on further condition that:

(a)the petitioners and 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;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]**; and;

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



This Criminal Original Petition is ordered accordingly.

-sd/-
15/07/2021

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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.2, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEELAMEDU POLICE STATION,
COIMBATORE CITY.

+1 CC to M/S K.GОВI GANESAN Advocate on payment of necessary
charges SR.NO.7468

CRL OP.12267/2021

Date :15/07/2021

TA-26/07/2021