

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19850 of 2020

1.V.Krishnan @ Krishnappa ... Petitioners
2.N.Chinnaraj
3.Mrs.Amalarani
4.Mrs.Anuradha

Vs.

State Rep. by Respondent
Station House Officer,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.1491 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.1491 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Jenitha

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323, 355 and 506(i) of IPC, in Crime No.1491 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the parties, which resulted in a wordy quarrel and the victim said to have been attacked by the accused persons and sustained injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners and they have nothing to do with the alleged offence. He further submitted that there was a land dispute between the parties, as a result of which a false case has been foisted against the petitioners. He further

submitted that co-accused has already been arrested and remanded to judicial custody. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the victim has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners. He further submitted that co-accused has already been released on bail.

5. Taking into consideration, the facts and circumstances of the case, 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 on which the order copy is made ready, before the learned Judicial Magistrate, Uthangarai, on condition that each of the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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, as and when required for interrogation.

[c] the petitioner 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, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/01/2021

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
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. K.JENITHA Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.19850/2020

Date :07/01/2021

WEB COPY

MN-25/01/2021