

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20646 of 2020

1. Radhakrishnan
2. Arun @ Arun Kumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
(Crime No.56 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.56 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. R.Thirumoorthy

For Respondent : Mr.S. Karthikeyan
Addl.PP

ORDER

(The case has been heard through video conference)

The petitioners/A1 & A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 506(ii) of IPC, in Crime No.56 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.02.2020, due to wordy quarrel between the petitioners and the de-facto complainant, the petitioners said to have attacked the defacto complainant with iron rod and caused injuries. Hence, the respondent police registered a case against the petitioners.

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

4. The learned Additional Public Prosecutor would submit that Al/Radhakrishnan was already detained under Act 14 and thereafter, released.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the occurrence has taken place in the month of February 2020, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Judge, 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) each with two sureties, 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:

[b] 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.

[c] the petitioners shall appear before the respondent police as and when required for interrogation.

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/01/2021

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-II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

CRL OP.20646/2020

Date :05/01/2021

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MN-22/01/2021