

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20846 of 2020

1.R.Sakthivel,
2.R.Karthik,
3.Mani @ R.Thirupathi,
4.S.Venkatesan,
5.R.Ashok Kumar,

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.1395 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1395 of 2020 on the file of the respondent police.

For Petitioners: Mr.D.Jagadeesan

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 offence punishable under Sections 147, 341, 294(b), 323, 435, 506 (i) of IPC, in Crime No.1395 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the sister of A1. The defacto complainant is having illegal intimacy with one A.Sandeesh, which was warned by the residents. Pursuant thereto, on the date of occurrence, while the said A.Sandeesh and the de facto complainant was proceeding in a motor cycle, the accused assaulted them and set fire on the two wheeler.Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the petitioner is the college

student. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the complaint, now the petitioner/A1 has been arrested and still is in judicial custody.

5. Since A1 has already been arrested and is in judicial custody, this petition as against first petitioner/A1 is dismissed.

6. Taking into consideration the nature of offence, the facts and circumstances of the case, the dispute between the brother and sister and the petitioners 2 to 5 are only friends of A1 and no serious allegation is attributed as against the petitioners 2 to 5, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 subject to the following conditions:

a) Accordingly, the petitioners 2 to 5 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 Judicial Magistrate Court No.I, Krishnagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 2 to 5 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 2 to 5 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 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

-sd/-

11/01/2021

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 COURT NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT-635 601.

CC to M/S.D.JAGADEESAN Advocate on payment of necessary charges

CRL OP.20846/2020

Date :11/01/2021

MN-25/01/2021

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