



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.20378 of 2021

1.Prabakaran
2.Parthiban
3.Prakash
4.Navaneetham
5.Arunachalam
6.Palani

....Petitioners

Vs

State rep by its:
Inspector of Police,
Kandili Police Station,
Tirupathur District.
Crime No: 316 of 2021.

Prayer: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioners on bail in the event of the arrest in Crime No.316 of 2021 on the file of the respondent or on their appearance before the concerned Court to release them on bail.

For Petitioner : Mr.M.P.Saravanan

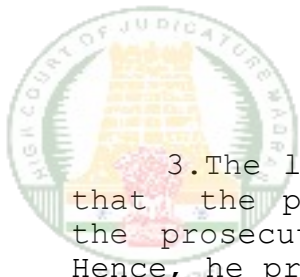
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 294(b), 323, 324 and 506(ii) of IPC**, in Crime No.316 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 23.10.2021 at about 5.30 p.m., there as a quarrel between the defacto complainant and the accused in respect of pathway during which, the accused assaulted the defacto complainant and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate appearing for the respondent police raised objection and submitted that the investigation is pending. However, he would admit that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and that the injured has been discharged from the hospital, 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 of receipt of a copy of this order, before the **learned Judicial Magistrate-II, Tirupathur**, on condition that the petitioners shall execute separate bonds 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 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 appear before the respondent police weekly once i.e. on every Friday 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.

WEB COPY

-sd/-
11/11/2021

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,
NO.II, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
TIRUPATHUR DISTRICT.

+1 CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges SR.NO.12639

CRL OP.20378/2021

Date :11/11/2021

TA-23/11/2021