



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21993 of 2021

1.Govappa @ Oovappa
2.Vijiyakumar
3.Nataraj @ Nataraju
4.Krishnappa
5.Magendran @ Mahendra
6.Veerabathiran @ Veerabadrasamy ...Petitioners

Versus

State by :-
The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
(Crime No.221 of 2021) ...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.221 of 2021, pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 323, 354 and 506(ii) of IPC in Crime No.221 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a pathway dispute between the petitioners and the defacto complainant, as a result of which, the petitioners had attacked the brother of the defacto complainant and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that they have been falsely implicated in this case. He further submitted that the petitioners have also given a complaint before the respondent police in Crime No.220 of 2021 against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. side) raised formal objection and submitted that the injured has been discharged from the hospital and there is no previous cases pending against the petitioners. He further submitted that the investigation is almost completed.

5. Considering the fact 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 No.I, Hosur*, 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 on every Saturday 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 anticipatory 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.

-sd/-

22/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.I, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BERIGAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M.JAYACHANDRAN Advocate on payment of necessary charges
SR.NO.13368

CRL OP.21993/2021

Date :22/11/2021

CSK 26/11/2021