



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No. 22036 of 2021

1.Tamilarasan
2.Gowthaman

...Petitioners

Versus

The State represented by,
Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.426 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.426 of 2021, on the file of the respondent police.

For Petitioners : Mr.Swami Subramanian

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, 148, 294(b), 342, 324 and 506(ii) of IPC in Crime No.426 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant, the petitioners along with the other accused persons had abused the defacto complainant in filthy language and attacked him with wooden log and threatened him with dire consequences, due to which the defacto complainant sustained injuries. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit 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 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.

5. Considering the fact that the injured has been discharged from the hospital and there is no previous pending cases against the petitioners, 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, Thiruthuraipoondi, Thiruvarur District*, 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 Sunday 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.

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-sd/-

22/11/2021

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR.NO.13224

CRL OP.22036/2021

Date :22/11/2021

CSK 26/11/2021