



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22732 of 2021

1.Prasanth
2.Naveenkumar

... Petitioners

Versus

State represented by
The Sub Inspector of Police,
Malayampalayam Police Station,
Erode District.
(Crime No.247 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.247 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Thangavel

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 506(ii) of IPC in Crime No.247 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that based on the complaint preferred by one Vijayakumar on 19.11.2021 on the allegation that he had come to fuel station owned by the 2nd petitioner on 18.11.2021 wherein the A1 being the employee of the 2nd petitioner had fueled the motor cycle of the defacto complainant for Rs.200 and that the defacto complainant had disputed the quantum of the fuel being filled into his motor cycle and had picked up quarrel with employees and A1 and the 1st petitioner and that the 1st petitioner had assaulted the defacto complainant with hands and further that the 2nd petitioner had arrived to the fuel station and had threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners 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 for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the victim discharged. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case, 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 before the *learned Judicial Magistrate, Kodumudi* on condition that the petitioners shall execute a bond 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders and co-operate for the investigation;

(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.

-sd/-

03/12/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
KODUMUDI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M.R.THANGAVEL Advocate on payment of necessary charges
SR.NO.14033

CRL OP.22732/2021

Date :03/12/2021

CSK 09/12/2021