



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22986 of 2021

1.J.Shelton
2.Vengatash Moorthi

... Petitioners

Versus

The State of Tamil Nadu through the
The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
(Crime No.317 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.317 of 2021 on the file of the respondent police.

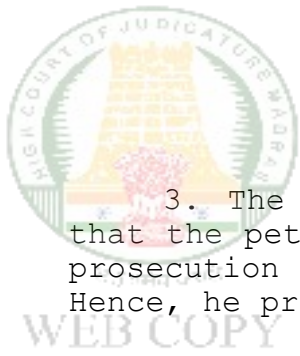
For Petitioners : Mr.Deepanuday

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), 324, 506(ii) of IPC in Crime No.317 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an employee in private steel company at Coimbatore. The defacto complainant in his complaint stated that his two cousin lives with his aunt. One cousin was in relationship with first petitioner for past 6 years. But now they were separated and cousin is living with her father after her aunt demise. The first petitioner and his friends were stopped the defacto complainant's cousin and assaulted him badly. The defacto complainant enquired about the ongoing issue. Suddenly first petitioner assaulted the defacto complainant with beer bottle and threatened him with unparliamentary words is the allegation. Hence this case.



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 case in counter, co-accused already released on bail, A1 has 2 previous case and A2 has 1 previous case and A3 still absconding. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions and dismissed against the first petitioner.

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance before the *learned Judicial Magistrate - VI, Coimbatore District*, on condition that the 2nd petitioner 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner 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/-

01/12/2021

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-VI,
COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THONDAMUTHUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S DEEPANUDAY Advocate on payment of necessary charges
SR.NO.13892

CRL OP.22986/2021

Date :01/12/2021

CSK 07/12/2021