



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.322 of 2022

1. Krishnamoorthy ...Petitioners
2. Manivel
3. Thilipkumar @ Thenali @ Thirunavukkarasu
4. Arunagiri
5. Komala
6. Praveena
7. Jayagandhi
8. Prakasam

Versus

The State rep by ...Respondent
The Inspector of Police
Nangavalli Police Station,
Salem District.
(Crime No.404 of 2021)

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.404 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Gandhi kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 307 r/w 109 of IPC, in Crime No.404 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a some dispute between the petitioners and the defacto complainant groups, as a result of which, the petitioners had abused the defaco complainant in filthy language and assaulted the defacto complainant and caused injuries. 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. He further submitted that there is a case in counter and the petitioners have already given a complaint before the respondent police in Crime No.405 of 2021 against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the investigation is almost completed and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate No.1, Mettur**, on condition that the petitioners shall execute a separate 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 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 1 to 4 and 8 shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and the petitioners 5 to 7 shall report before the respondent police as and when required for interrogation.**

(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;



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(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/-
07/01/2022

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.I, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO.360

CRL OP.322/2022

Date :07/01/2022

TA-12/01/2022