



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.393 of 2022

1.Ravichandran
2.Saravana Kumar

... Petitioners/ A1 & A2

Versus

The State represented by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore.
(Crime No.861 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 concern in Crime No.861 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Aravinthan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conferencing)

The petitioners , who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 294(b) 324, 506(2) of IPC in Crime No.861 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that On 19.12.2021, at about 10.30 p.m., due to wordy quarrel, the petitioners were trespassed into the house of the defacto complainant and attacked the defacto complainant and his father with weapons and threatened them with dire consequences as a result of which, they sustained severe head 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. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are totally four accused in this case and the petitioners are A1 and A2. He would further submit that there is a case in counter. 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 petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.VI, Coimbatore, 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 petitioners are directed to deposit totally a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Crime No.861 of 2021 and the victims are permitted to withdraw the same equally within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] the petitioners and 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;

[c] the petitioners are directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, the Criminal Original Petition is ordered accordingly.

-sd/-

10/01/2022

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.VI,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary charges SR.NO.431

CRL OP.393/2022

Date :10/01/2022

INBA?12/01/2022