



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.3279 of 2022

1.Killiton @ Arun Clinton
2.Pernod @ Raj @ Fernandaz
3.Devid @ David Wilsan

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi District.
Krishnagiri District.
(Crime No.454 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in crime No.454 of 2021, on the file of the respondent Police.

For Petitioners : Mr.S.Saravana kumar

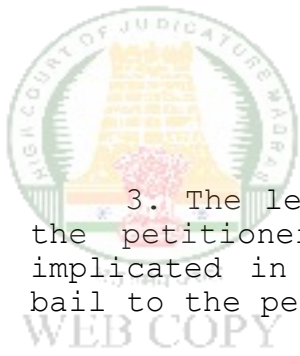
For Respondent : Mr.L.Baskaran

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), 324, 506(ii) and 307 of IPC in Crime No.454 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused persons attacked the defacto complainant, thereby the defacto complainant sustained severe injuries. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioners are innocent persons 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 police submitted that the injured person had been discharged from the hospital. He further submit that the petitioner A3/first petitioner is history sheeter and A4/second petitioner was already arrested on bail having previous cases and the investigation almost completed and there is no previous case as against the third petitioner/A5 herein . However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the 3rd petitioner/A5 alone and against the petitioners 1 and 2 petition dismissed, this Court is inclined to grant anticipatory bail to the 3rd petitioner.

6. Accordingly, the 3rd petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.I, Ulundurpet and on further conditions that:

[a] the 3rd petitioner 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 3rd petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two months and thereafter as and when required for an interrogation;

[c] the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 3rd 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 3rd petitioner in accordance with law as if the conditions has been imposed and the 3rd petitioner is 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/-
25/02/2022

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, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary
charges

CRL OP.3279/2022

Date :25/02/2022

JPA 03/03/2022