



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4251 of 2022

1 M.GAUTAM @ PRASANTH
2 RAM KUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KUNIAMUTHUR POLICE STATION,
COIMBATORE CITY.
CRIME NO.69 OF 2022

[RESPONDENT]

For Petitioner : M/S.D.SELVAM Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 147, 148, 448, 323, 324, 506(2) of IPC and Sections 3(1) of TN Public Property (Prevention of Damages & Loss) Act, 1992 in Crime No.69 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.02.2022, there was a quarrel between the ruling party and the opposition party. At that time the petitioners attacked and also threatened the defacto complainant with dire consequences. Further, property of the defacto complainant was also damaged. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he pleads for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. He would submit that the petitioners damaged the property of the defacto complainant worth Rs.5,000/-.

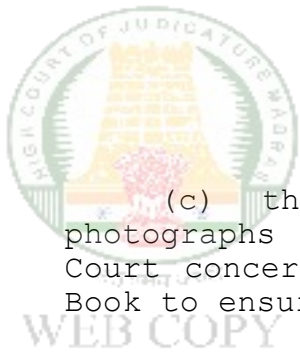
5. Submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioners for the offence punishable under Section 147, 148, 448, 323, 324, 506(2) of IPC and Sections 3(1) of TN Public Property (Prevention of Damages & Loss) Act, 1992. Admittedly, property worth Rs.5,000/- was damaged. Taking note of all the above said aspects into consideration and having regard to the gravity of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-VII, Coimbatore on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each), 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) (each) to the credit of Crime No.69 of 2022 (on the file of the respondent police) before the learned Judicial Magistrate-VII, Coimbatore. The above contribution is made without prejudice to their defence before the trial court and the petitioners shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners;



(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter as and when required for interrogation.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KUNIAMUTHUR POLICE STATION,
COIMBATORE CITY.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

CC to M/S.D.SELVAM Advocate on payment of necessary charges

CRL OP.4251/2022

Date :25/02/2022

RW 03/03/2022