



Crl.O.P.No.24706 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.24706 of 2022

1. Nithish

2. Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.238 of 2022 pending
investigation on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were surrendered and remanded to judicial custody on 16.09.2022 for the offences punishable under Sections 143, 147, 149, 341, 353, 225(B), 506(ii) of IPC in Crime No.238 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, who is the Sub-Inspector of Police, Begur Police Station, State of Karnataka is that on 11.9.2022, a case has been registered against one Surya and Gowtham in Crime No.240 of 2022 in the Begur Police Station. Searching for the accused the de-facto complainant and her team had gone to Thirupattur to secure the accused, at that time, the petitioners along with others in this case have waylaid the police party and helped the accused in Crime No.240 of 2022 to escape. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that some persons have come to their place in



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private car with Karnataka registration and suspecting that they have attempted to kidnap the said persons, the petitioners and his friends prevented them and threatened them and other than that they have not committed any offence. He would submit that the petitioners is in custody from 16.09.2022. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners along with the other accused waylaid the police party which came from Karnataka and by threatening them and prevented them from doing their official duty, helped the accused in Crime No.240 of 2022 in the Begur Police Station to escape. He would further submit that there is no previous case as against these petitioners. However, he oppose for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Taking into consideration the facts of the case and also considering the submissions made by the learned counsel that the de-facto complainant and his team were not in uniform and also they had come in a private vehicle and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Krishnagiri**, and on further conditions 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 petitioners shall report before the respondent Police everyday at 10.30 a.m. and 5.30 p.m., until further orders;



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[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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]***;

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

12.10.2022

vkr/gd

To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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