



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.4049 of 2023

Rohan

Petitioner

Vs...

State represented by
The Inspector of Police,
KRP DAM Police Station,
Krishnagiri District,
(Crime No.170/2022)

Respondent

Prayer:- Criminal Original Petition filed under Section 438 Cr.P.C. to
enlarge the petitioner on Anticibatory bail in Crime No.170 of 2022 on the
file of the Inspector of Police, KRP DAM Police Station, Krishnagiri
District.

For Petitioner : Mr..G Mohammed Aseef
For Respondent : Mr.N. Muthuvel
Government Advocate (Crl. Side)

**ORDER**

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 294(b), 323, 324, 506(ii) of IPC in Crime No.170 of 2022 seeks anticipatory bail. The petitioner is arrayed as the third accused.

2.The case of the prosecution is that the petitioner along with other accused have attacked the defacto complainant and his son and abused them in filthy language. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. Further, the injured persons discharged from the Hospital. The petitioner has filed this petition for the 2nd occasion since the 1st Anticipatory bail application in Crl. O.P. No.32565 of 2022 was dismissed by order dated 28.12.2022 of this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits the petitioner along with other accused had attacked the *de facto* complainant and his son and due to which they sustained grievous injuries. He further submitted that the injured persons have been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant Anticipatory Bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of copy of this order, before the **learned Judicial Magistrate II, Krishnagiri**, on condition that the petitioner shall execute a 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-2, Krishnagiri**, and on further condition that:



[a] the petitioner 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.

[b] the petitioner is directed to report before the respondent police on every day at 10.00 a.m., until further orders.

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

[d] the 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

28.02.2023

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To:

1. The learned Judicial Magistrate-II,
Krishnagiri District.
2. The Inspector of Police,
KRP DAM Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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A.A.NAKKIRAN.,J
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