



Crl.O.P.No.7570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7570 of 2023

1. Pasavaraj

2. Narayana

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
Crime No.41 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in Crime
No.41 of 2023 on the file of the respondent.

For Petitioners : Mr.M.P.Saravanan

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 21.02.2023, for the alleged offences punishable under Sections 294(b), 195(A), 506(ii) of IPC in Crime No.41 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Ravi is that, he is cited as Witness No.14 case in crime No.47 of 2017 registered for the offence under Section 302 of IPC read with 397 of IPC. The case is pending trial in S.C.No. 35 of 2018. The trial Court had issued summons for evidence on 21.02.2023. While so, petitioners, who are accused in the previous case had intimidated and threatened him stating that, he should not give evidence before the trial Court. Hence, the case.

3. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in this case through LW14, as if petitioners have threatened him not to give evidence. He further submitted that petitioners are ready to cross-examine the witness on the same day and also undertakes to abide by any stringent conditions that may be imposed by this Court. He further submitted that,



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case was posted for appearance of the witness on 11.04.2023 and the defacto complainant had evaded to appear before the Court, to see to that the petitioners are continuously in custody. He further submitted that, they are in custody from 21.02.2023. Hence, he seeks for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioners are accused in S.C.No.35 of 2018 pending trial, accused have threatened LW 14 not to give evidence, who is the crucial witness. Hence, he opposed for granting bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on



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their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**each with **two sureties (Out of which, one surety shall be a blood related surety)** each for a like sum to the satisfaction of the **learned District Munsif Cum Judicial Magistrate, Denkanikottai** 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 Additional District Court, Hosur (trial Court) on all working days for a period of three weeks and thereafter on the dates fixed by the learned trial Judge.

[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



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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.

13.04.2023

sma

To

1. District Munsif Cum Judicial Magistrate, Denkanikottai
2. The Inspector of Police,
Thally Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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