



CrI.O.P.No.27016 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.27016 of 2023

Agilan @ Agil S/o. Anna Durai

...Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

(Crime No.206 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.206 of 2022 on the
file of the respondent police on such terms and conditions.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



CrI.O.P.No.27016 of 2023

WEB COPY

ORDER

The petitioner is A6 in Crime No.206 of 2022, which had been given in the petition as Crime No.206 of 2023 but to correct, that a memo has been filed today, seeks bail.

2.Before issuing the order copy, the Registry may carryout the correction in the crime number from Crime No.206 of 2023 to Crime No.206 of 2022.

3.The petitioner had been taken into custody on 06.11.2023 for the offence under Sections 147, 148, 294(b), 323. 363, 506(ii) of IPC and subsequently altered to Sections 147, 148, 448, 294(b), 323, 324, 363, 307 of IPC.

4.It is stated that originally the petitioner had been arrested on 30.06.2023 in Crime No.300 of 2023 and had been remanded to judicial custody.

5.In so far as the facts in Crime No.206 of 2022 in which bail is now sought is concerned, it is stated that the petitioner and the other accused had trespassed into the house of the defacto complainant on 07.11.2022 and verbally abused and assaulted the defacto complainant's



CrI.O.P.No.27016 of 2023

mother and father. It is also stated that the injuries were caused. But it is the common case of both the petitioner and the respondent that the injured in this crime number had been discharged from the hospital.

6.The investigation had been also taken up and completed and final report had been filed and the same had been taken cognizance as PRC.No.30 of 2023 by the Judicial Magistrate II, Krishnagiri, which is now pending. Further steps to be taken by the learned Principal Sessions Judge, Krishnagiri. In the meanwhile, the petitioner had been detained under Tamil Nadu Act 14 of 1982 consequent to an order dated 17.08.2023.

7.The petitioner had filed an application seeking quash, taking recourse to the Criminal Law Amendment Act, 2005. But however, it had been stated that the petitioner had been granted anticipatory bail on 05.04.2023 in FIR in the present Crime No.206 of 2022. There were conditions imposed and it is the case of the respondent that the petitioner did not comply with the conditions and therefore, an application was filed seeking to cancel the said anticipatory bail.



CrI.O.P.No.27016 of 2023

WEB COPY

8. Notice had been directed to the petitioner herein and the petitioner had been taken into custody on 06.11.2023. Originally, the Prisoner in Transit Warrant had been issued but since, anticipatory bail had been granted and the petitioner had been secured, the said PT warrant was cancelled and a regular warrant had been issued by the Judicial Magistrate.

9. Let me not go into the correctness of that particular procedure. That is not a direct issue before this Court. But taking into consideration the facts of the case that the offences stated are under Sections 147, 148, 448, 294(b), 323, 324, 363, 307 of IPC and the injured had been discharged from the hospital and investigation has also been completed and all the accused had been granted bail, I am inclined to grant bail to the petitioner herein subject to the following conditions:

10. Accordingly, the 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.II, Krishnagiri, and on further conditions that :-



CrI.O.P.No.27016 of 2023

WEB COPY

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Judicial Magistrate II, Krishnagiri, even though the matter had been committed to the Court of Sessions, daily at 10.30 a.m., for a period of two weeks and thereafter, if the learned Principal Sessions Judge assign the Sessions Case number to the entire matter, appear before the concerned trial Court on the Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

30.11.2023

ata



WEB COPY



CrI.O.P.No.27016 of 2023

C.V.KARTHIKEYAN. J.
ata

To

1. The Judicial Magistrate No.II, Krishnagiri.
2. The Central Jail, Salem.
- 3.The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.27016 of 2023

30.11.2023