



CRL OP NO. 30215 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30215 of 2024

1.Hari @ Harines

2.Gunasekaran

3.Pappulu @ SVN Babulu

Petitioner(s)

Vs

The Inspector of Police,

Sankarapuram Police Station,

Kallakurichi District.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C. Pleaded to grant anticipatory bail to the petitioners/accused Nos.1, 3 and 4, in the event of arrest in Crime No.597 of 2024 pending on the file of the respondent police.

For Petitioner(s):

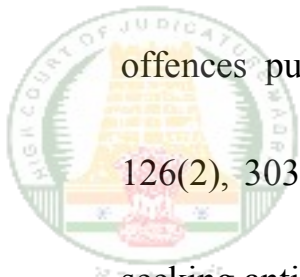
Krishnasamy Chinnasamy

For Respondent(s):

S.Santhosh

Government Advocate (Crl. Side)

ORDER



offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1),

126(2), 303(2), 351(3) and 109 of BNS, 2023, the present petition has been filed

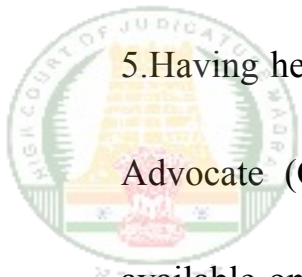
seeking anticipatory bail.

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2.The case of the prosecution is that the petitioners along with other accused abused, using filthy language, assaulted and intimidated the defacto complainant. Hence, the case.

3.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that the petitioners are ready to appear before the respondent and furnish all the details. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that petitioners along with other accused abused, using filthy language, assaulted and intimidated the defacto complainant. He would submit that the victim is still in hospital. He would further submit that there is no previous case as against A1. A3 has six previous cases, A4 has five previous cases and A2 has 2



5. Having heard the learned counsel for the petitioners, and the learned Government

Advocate (Criminal Side) for the respondent Police and perused the materials

available on record, this court is inclined to grant anticipatory bail to the petitioner

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No.1/A1 with certain conditions.

6. Accordingly, the petitioner No.1 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 on which the order copy made ready, before the learned Judicial Magistrate Court Sankarapuram, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner No.1 and the sureties shall affix their 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 their identity;

[b] the petitioner No.1 shall report before the respondent police on every day at 10.30 a.m., until further orders;

[c] the petitioner No.1 shall not tamper with evidence or witness either during investigation or trial;



[d] the petitioner NO.1 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 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 abscond, a fresh FIR can be registered under Section Section 269 of B.N.S.

7.Taking into consideration the above facts and circumstances of the case and the submission made by the learned Government Advocate, this Court is not inclined to grant anticipatory bail to the petitioner Nos.2 and 3 stand dismissed.

8.Accordingly, this Criminal Original Petition stands dismissed in respect of petitioner Nos.2 and 3 and this Criminal Original Petition stands dismissed in respect of petitioner No.1 is granted.



1.Judicial Magistrate Court, Sankarapuram.

2.The Inspector of Police,

Sankarapuram Police Station,

Kallakurichi District.

A.D.JAGADISH CHANDIRA, J.

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