



CRL OP NO. 31716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

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GOVINDARAJ

S/o.Muthusamy, NO. 501, PAPPAPATTI,
KADAYAMPATTI POST, EDANGANASALAI,
SALEM DISTRICT. and another

Petitioner(s)

Vs

State Rep. By The Inspector Of Police,
Magudamchavadi Police Station, Salem District.
(crime No.318 Of 2024)

Respondent(s)

For Petitioner(s):

Camyles Gandhi W
W.Camyles Gandhi

For Respondent(s): Mr.Santhosh, Govt. Adv. Crl.Side

ORDER

Apprehending arrest in connection with Crime No.318 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 109 & 351 (3) of BNS, the present petition has been filed seeking anticipatory bail.



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2. Pleading innocence on the part of the petitioners, false implication

in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners have been falsely implicated in this case based on the confession statement of the co-accused. He would further submit that the co-accused have been arrested and released on bail. He would submit that the name of the 2nd petitioner does not appear in the FIR, however, he has been falsely implicated in this case based on the confession statement of the co-accused. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail, is that the petitioners along with others had attacked the de-facto complainant with deadly weapons because of a previous enmity, due to which, the de-facto complainant had sustained injuries on his head, shoulder and back side of the neck. He would further submit that the petitioners are a habitual offenders.



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4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions and insofar as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail to him, accordingly, the 2nd 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 a copy of this order, before the learned **Judicial Magistrate No.II, Sankagiri**, on condition that the 2nd petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the 2nd petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] the 2nd petitioner and the sureties shall affix his 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;

[c] the 2nd petitioner shall report before the respondent Police everyday at 10.30 a.m until further orders;

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the 2nd petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

MSM

To

1. State Rep. By The Inspector Of Police,
Magudamchavadi Police Station,
Salem District.
(crime No.318 Of 2024)
- 2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.31716 of 2024

19.12.2024