

CRL.O.P.No.13568 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.289 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant with iron pipe, thereby caused injuries. There is a case in counter case.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

5. Learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, this Court is of the view that custodial interrogation of the petitioners are not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

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7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Vellore, subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 Magistrate concerned;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the 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 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]**.

29.06.2016

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