

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9075 of 2020

1.Arul @ Arunkumar M/A 41 years (A-1)

S/o.Varadharaj

2.Teekaraman, M/A 47 years (A-2)

S/o.Varadharaj

3.Gajendiran, M/A 49 years (A-3)

S/o.Varadharaj

All are residing at

No.12, Pillaiyar Koil Street

Sapthalipuram Village

T.B.Sanatorium Post

Vellore Taluk and Disrict.

.. Petitioners

Vs.

State Rep by

The Inspector of Police,

Vellore Taluk Police Station,

Vellore District

Crime No.634 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C praying to enlarge the petitioners/Accused on bail in the event of their arrest by the respondent police in connection with the Crime No.634 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.Ilayaraja Kandasamy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b) and 307 of IPC, in Crime No.634 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the parties and both sides were close relatives. This led to the defacto complainant being attacked and he sustained injuries.

3. The learned Counsel for appearing for the petitioners submitted that they did not commit any offence as alleged by the

prosecution and they have been falsely implicated in this case and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor, on instructions submitted that the injured persons have been discharged. There are no previous cases against the petitioners.

5. Taking into consideration the facts and circumstances and also taking note of the fact that the injured persons have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Vellore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties and those sureties shall be a common surety, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 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.

-sd/-
19/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3t THE INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.ILAYARAJA KANDASAMY Advocate on payment of necessary charges

CRL OP.9075/2020

Date :19/06/2020

RD 04/08/2020