

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 9411 of 2020

1. RISHI @ SUDHARASAN

S/o.Raji,
No.70, Mariyamman Koil Street,
Vettuvanam, Vellore District.

2. PASUPATHI

S/o.Raju,
No.5, New Colony Street,
Vettuvanam, Vellore District.

...Petitioners

..Vs..

State Rep by.

The Inspector of Police,
Pallikonda Police Station, Vellore District.
(Cr.No.366 of 2020).

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.366 of 2020 on the file of the respondent police.

For Petitioners : Mr. Ilayaraja Kandasamy

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.366/2020, seek anticipatory bail.

2. The case of the prosecution is that due to the previous enmity, on 17.05.2020, the petitioners along with other accused assaulted the defacto complainant by using iron rod on his head and scolded him by using filthy language and threatened him by using Knife. Hence the complaint.

3. The learned counsel for the petitioners would submit that the due to the previous enmity the de-facto complainant gave false complaint before the respondent police and the petitioners are innocent and they are no way to connected with the said alleged offence and false complaint has been foisted against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant, during the wordy quarrel between them and caused head injury and the defacto complainant has been discharged from the hospital and there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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.V, Vellore, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 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 daily at 10.30 a.m. for a period of four weeks and thereafter 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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To

1. The Judicial Magistrate No.V,
Vellore.
2. Inspector of Police
Pallikonda Police Station,
Vellore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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