

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 10081 of 2020

Haridass

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Avalur Police Station,
Vellore District,
Crime No.318 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.318 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 307, 506(ii) of IPC r/w. Section 3(1) of PPD Act, in Crime No.318 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that On 17.05.2020, the petitioner along with other accused abused and assaulted the defacto complainant due to previous enmity and also caused damage to the two wheeler.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution . He would further submit that to prove his bonafide, the petitioner is ready and willing to deposit a sum of Rs.5000/- (Rupees five thousand only) to the credit of crime No.318 of 2018. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to wordy quarrel, the petitioner along with other accused assaulted the defacto complainant and also caused damaged to the vehicle to the tune

of Rs.2000/-. He further submitted that injured has been discharged from the hospital and he has also involved in two previous case. Hence, he opposed to grant anticipatory bail to the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.318 of 2020, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the credit of the Crime 318 of 2020 before the learned District Munsiff cum Judicial Magistrate No.II, Walaja, within a period of fifteen days from the date on which the order copy made ready and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsiff cum Judicial Magistrate No.II, Walaja, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
03/07/2020

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 DISTRICT MUNSIFF CUM
JUDICIAL MAGISTRATE NO.II,
WALAJA.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE
AVALUR POLICE STATION,
VELLORE DISTRICT.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.10081/2020

Date :03/07/2020

GKS (CS) :04/08/2020

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