

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11229 of 2020

1.Naveen @ Sathish Kumar ... Petitioners
2.Viswanath
3.Arun

Vs.

The State rep. by ... Respondent
The Inspector of Police
Vellore Taluk Police Station
Vellore District
(Crime No. 658 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in connection with Crime No. 658 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under **Section 147, 148, 294(b) 324 & 307 IPC, in Crime No. 658 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant, the petitioners abused and attacked the defacto complainant with wooden log and also threatened them with dire consequences and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not

committed any offence as alleged by the prosecution and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending as against these petitioners. However, he opposed for the grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances and also considering the submissions so made by the learned Counsels and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, **within a period of fifteen days after lifting of lock down or the commencement of the Court's normal functioning, whichever is earlier**, before the **learned Judicial Magistrate No.I, Vellore, Vellore District**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, with two **sureties**, 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. until further orders.

[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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/08/2020

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, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.11229/2020

सत्यमेव जयते Date : 07/08/2020

TA-21/09/2020

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