

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12084 of 2020

1.Vignesh ... Petitioners/Accused Nos.4 to 10
2.Dharani
3.Ajai @ Ajaikumar
4.Dhivakar
5.Murugan
6.Magesh
7.Vinoth

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
(Crime No.516 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No. 516 of 2020 on the file of the Inspector of Police, Gudiyatham Taluk Police Station, Vellore District.

For Petitioners : Mr.G.Vinodh Kumar

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC read with Section 4 of

TNPHW Act, in Crime No.516 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Selvaraji is that one Murugan and Divakar have teased a girl named Roopa and when it was questioned by her brothers, the petitioners have assaulted the defacto complainant and her relatives with wooden logs and also kicked on her stomach and thereby, she has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that due to a previous enmity, a false complaint has been given against them. He would further submit that A1, A2 & A9 have been arrested and they have been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the fourth petitioner viz., Divakar and fifth petitioner viz., Murugan, have teased the girl viz., Roopa and when it was questioned by her brothers the accused and others have assaulted the defacto complainant and one Malliga indiscriminately with wooden logs, hands and kicked them. He would further submit that the injured has been discharged from the hospital and arrested accused have been enlarged on bail. However, he opposed to grant anticipatory bail to the petitioners.

5 Taking into consideration the fact that there are specific allegations against the petitioners 4 & 5 viz., Dhivakar and Murugan, for teasing the said Roopa, this Court is not inclined to grant anticipatory bail in respect of the petitioners 4 & 5. Hence, petition for anticipatory bail in respect of the petitioners 4 & 5 stands dismissed.

6 Taking into consideration facts and submission made by the learned counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail, in respect of other petitioners 1, 2, 3, 6 & 7 subject to the following conditions.

7 Accordingly, the petitioners 1, 2, 3, 6 & 7 are directed to be released on bail in the event of their 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, Gudiyatham, on condition that each petitioner viz., petitioners 1, 2, 3, 6 & 7, shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 1, 2, 3, 6 & 7 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 1, 2, 3, 6 & 7 shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the petitioners 1, 2, 3, 6 & 7 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1, 2, 3, 6 & 7 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 1, 2, 3, 6 & 7 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 3, 6 & 7 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.

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

-sd/-
13/08/2020

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,

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

CRL OP.12084/2020

Date :13/08/2020

TA-07/09/2020