

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14801 of 2020

1.Kabeer Dass
2.Santhosh @ S.Santhosh Kumar
3.Porkodi

... Petitioners/Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
Pallikonda Police Station,
Vellore - District.
Crime No.539/2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No. 539 of 2020, 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 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, 506(ii) of IPC, in Crime No.539 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that due to the civil dispute between the petitioners and the defacto complainant, there was a wordy quarrel taken place between the parties. At that time, both the parties have scolded each other in filthy language and subsequently, the petitioners have assaulted the defacto complainant with wooden log and thereby, defacto complainant has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that there is a case in counter in Crime No.540 of 2020 and that 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 appearing for the respondent would submit that the injured has been discharged from the hospital. He would further submit that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned counsel and considering the fact that the victim has been discharged from the hospital and also considering the fact that there is a case in counter, 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 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 No.V, Vellore, on condition that each petitioner 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday 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/-
22/09/2020

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.V, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.14801/2020

Date :22/09/2020

cs 28/09/2020

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