

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.174 of 2021

1.Babu Benjamin  
2.Vasavi

... petitioners

Vs.

State Rep. by  
The Inspector of Police,  
Rathanagiri Police Station,  
Vellore District.  
(Crime No.445 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioners in the event of their arrest in Crime No.445 of 2020 pending investigation on the file of the respondent police.

For petitioners: Mr.S.P.Arthi

For Respondent : Mr.S.Karthikeyan  
Addl. 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 offences punishable under Sections 294 (b), 323 and 506(ii) of IPC, in Crime No.445 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the petitioners and the defacto complainant. The petitioners abused and attacked the defacto complainant with hands and he sustained simple injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioners have attacked the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the nature of offence, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 is made ready, before the learned Judicial Magistrate No.II, Walajah, Ranipet District, on condition that the petitioners shall execute a 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 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 229-A IPC.

-sd/-

19/01/2021

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.II,  
WALAJAH, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.174/2021

Date :19/01/2021

WEB COPY

MN-25/01/2021