

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1137 of 2021

1. Subban
2. S. Sabiya
3. S. Shakhil Ahamed ... Petitioners

Vs.

State rep. by
The Inspector of Police
Ambur Town Police Station,
Ambur, Vellore District Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest by the respondent police connected with Crime No.1972 of 2020 on the file of the respondent police.

For Petitioners : Mr.B. Jawahar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 147,341,294(b), 323 and 506(I) of IPC, in Crime No.1972 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the the petitioners herein are arrayed as A1 to A3 in this Case. It is alleged that the petitioners waylaid the defacto complainant and attacked him and also threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit the petitioners assaulted the defacto complainant and also threatened him with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and nature of the offence committed by the petitioner, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Ambur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/01/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
AMBUR, VELLORE.

+1CC to M/S B.JAWAHAR Advocate on payment of necessary charges SR NO.975

CRL OP.1137/2021

Date :27/01/2021

MK:04/02/2021

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