

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1244 of 2021

1.Gengadharan
2.Kumaran
3.Sundaramoorthy

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Kaveripakkam Police Station,
Nemili Taluk,Vellore District.
(Crime No.17 of 2021)

... 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 in Crime No.17 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.S.Karthikeyan
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 294(b), 323, 324 & 506(ii) of IPC, in Crime No. 17 of 2021, on the file of the respondent police, seek grant anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners said to have abused the de facto complainant and assaulted him and thereby, caused injuries to him. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, due to previous enmity. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners abused the de facto complainant, assaulted him and thereby, caused injuries to him. He would submit that the second petitioner/A2 herein has already been arrested and later, released on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor appearing for the respondent and perused the entire materials available on record.

6. Taking into consideration of the facts and circumstances and the fact that the second petitioner has been arrested and released on bail, this Criminal Original Petition is dismissed insofar as the second petitioner is concerned. As far as the petitioners 1 and 3 are concerned, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3, subject to the following conditions:

a) Accordingly, the petitioners 1 and 3 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 of receipt of a copy of this order, before the learned Judicial Magistrate-II, Walaja, on condition that the petitioners 1 & 3 shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, and on further condition that:

[b] 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;

[c] the petitioners 1 & 3 shall appear before the respondent police as and when required for interrogation;

[d] the petitioners 1 & 3 shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 1 & 3 shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered insofar as the petitioners 1 & 3.

-sd/-
10/02/2021

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, WALAJA

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.1469

CRL OP.1244/2021

Date :10/02/2021

RVR 19/02/2021

WEB COPY