

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1248 of 2021

1.Sarathi
2.Abi @ Avinash
3.Sarath @ Sarathkumar
4.Prabu
5.Vinoth @ Vinothkumar ... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Ambur Taluk Police Station
Vellore District. ... Respondent
(Crime No.16 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.16 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.E.Kannadasan
For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are eight accused and the petitioners are arrayed as A4 to A8. The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 506(i) of I.P.C. and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No. 16 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a hotel at Kulithagai, Vellore Dt. On the date of occurrence, all the accused persons said to have went to the defacto complainant's hotel and after taking food, they have failed to pay the bill, as a result of which, there was a wordy quarrel, in which, they have attacked the defacto complainant and also damaged the articles. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the offence. He would submit that they have been falsely implicated as accused in this case. He would also submit that A1 and A2 were arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have went to the hotel belong to the defacto complainant, and after taking food, they have not only refused to pay bill and also refused to pay cost for the damages caused to the tune of Rs.1 lakh in the hotel. He has further submitted that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that there is no previous case pending against the petitioners and the co-accused A1 and A2 were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following stringent conditions:

a) Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance before the learned Additional District Munsif cum Judicial Magistrate, Ambur, on condition that the petitioners shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) in total to the credit of Crime No.16 of 2021, on the file of respondent police and also to execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

11/02/2021

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 ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1248/2021

Date :11/02/2021

cs 24/02/2021



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