

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2313 of 2021

1. Ajay
2. M.Selvam

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Anicut Police Station,
Vellore Dt.
(Crime No.16 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 their arrest in Crime No.16 of 2021 pending on the file of the respondent.

For Petitioners : Mr.M.Sathish Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 324 and 506(ii) of I.P.C. in Crime No.16 of 2021 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. Totally, there are four accused and the petitioners are arrayed as A3 and A4. The case of the prosecution is that petitioners along with other accused persons went to the house of defacto complainant and they said to have teased his daughter. When he questioned the same, there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners said to have attacked and assaulted him. In the said

circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail. Now, it is stated that A1 and A2 were arrested and released on bail.

3. The learned counsel appearing for petitioners would submit that the petitioners are brothers and on the date of occurrence, there was a wordy quarrel between the parties. He would submit that A1 and A2 only involved in the offence, the petitioners are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that all the accused persons went to the house of defacto complainant and committed a crime. He would submit that the main accused A1 and A2 were arrested and released on bail. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration the fact that on the date of occurrence, there was a wordy quarrel between the parties, thereby the petitioners have scolded and attacked the defacto complainant, the injured person discharged from the hospital, no previous case pending against the petitioners and the main accused A1 and A2 were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Vellore, on condition that the petitioners shall 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 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 shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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 JUDICIAL MAGISTRATE,
NO.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.2313/2021

Date :11/02/2021

cs 02/03/2021