

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1940 of 2021

1. Visvanathan .. Petitioners
2. Rudhran@Rudhra Pandiyan
3. Suresh
4. Sasikumar

.vs.

State represented by ... Respondent
The Inspector of Police,
Veppa Kuppan Police Station,
Vellore District.
(Crime No.943 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on in the event of their arrest concerned in Crime No.943 of 2020, on the file of the respondent police.

For Petitioner : Mr.E. Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 294(b), 506(i) of I.P.C r/w section 66A of Information Technology Act, in Crime No.943 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was quarrel between two groups i.e., the petitioners/A1 to A4 and the defacto complainant family members. It is alleged that that the petitioners have taken videos of the quarrel and edited the same and uploaded it in the social media. Hence, the crime was registered.

3. The learned counsel appearing for the petitioners would submit that the occurrence have taken place due to wordy quarrel between the petitioners and the defacto complainant. He would further submit that the petitioners have also lodged a complainant against

the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have taken the video of the quarrel and edited the same and uploaded it in the social media to defame the daughter of the defacto complainant. Sofaras the first petitioner is concerned he is a habitual offender and there are 3 previous cases pending against him. However, he opposed for grant of anticipatory bail to the petitioners.

5. I have considered the rival submissions and now it is seen that the videos have been deleted.

6. Taking into consideration, the facts and circumstances of the case and also considering the fact that **the first petitioner is concerned he is a habitual offender and there are 3 previous cases pending against him this Court is not inclined to grant anticipatory bail to him and this petition is dismissed with regard to first petitioner.** Sofar as other petitioners are concerned it is seen that the occurrence have taken place due to wordy quarrel between two groups and the petitioners also given a counter case against the defacto complainant, this Court is inclined to grant anticipatory bail to the second, third and fourth petitioners with the following conditions.

7. Accordingly, the second, third and fourth petitioners petitioners are ordered to be released on bail in their event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Vellore, on condition that the petitioners shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second, third and fourth 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 second, third and fourth petitioners shall report before the respondent police daily at 10:30 a.m for a period of two weeks until further orders.

[c] the second, third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second, third and fourth 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 petitioner in accordance with law as if the conditions have been imposed and the second, third and fourth 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/02/2021

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.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPA KUPPAM POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.1940/2021

Date :17/02/2021