

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2278 of 2021

Selvam

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vettavalam Police Station
Thiruvannamalai District
(Crime No.2583 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.2583 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Sundaresan

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

O R D E R

(The case has been heard through video conference)

Totally, there are two accused and the petitioner is arrayed as A2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, and 307 of I.P.C., in Crime No. 2583 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The defacto complainant is the husband of A1. The case of the prosecution is that A1 is living separately along with child. On the date of occurrence, when the defacto complainant went to his house to see his daughter, he has seen A1 in a compromising position. When he questioned it, A1 and A2 said to have attacked and caused injury to him. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been

filed seeking to grant anticipatory bail. Now, it is stated that A1 was arrested and released on bail.

3. The learned counsel appearing for the petitioner submitted that due to a family dispute between them, A1 and A2 attacked the defacto complainant. He would submit that now A1 was arrested and released on bail. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant and A1 are living separately. He would submit that when the defacto complainant went to his house to see his daughter, he has seen A1 in a compromising position, when he has questioned, both A1 and the petitioner have attacked the defacto complainant and caused fracture. He would submit that A1 was arrested and released on bail and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the injured discharged from the hospital, and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruvannamalai on condition that the petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner 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.

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 JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR POLICE,
VETTAVALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S..SUNDARESAN Advocate on payment of necessary charges
SR.No.1425

CRL OP.2278/2021

Date :11/02/2021

cs 19/02/2021