

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2513 of 2021

1.Anbu @ Anburaj
2.Srikanth
3.Vengatesan

... Petitioners

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in Crime No.16 of 2021 pending investigation on the file of the Respondent.

For Petitioners : M/s.Mariya Selvam Prabhu

For Respondent : Mr.M. Prabavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 12.01.2021 for the offences punishable under Sections 147, 323 and 506(i) of IPC r/w 3 of TNPPDL Act, in Crime No.16 of 2021, seek bail.

2. There are totally three accused in this case and the petitioners are A1 to A3. The allegation is that the petitioners had taken food in a hotel and thereafter, refused to pay the amount and when, it was questioned by the de-facto complainant, who is the owner of the hotel, the petitioners attacked the de-facto complainant and caused damage to the hotel, to the tune of Rs.1,00,000/-. Hence, the crime has been registered. The petitioner was arrested on 12.01.2021.

3. The learned counsel for the petitioners would submit that the occurrence took place in a wordy quarrel and the petitioners have been falsely implicated in this case. He would further submit that the petitioner is in judicial custody since 12.01.2021. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on the date of occurrence, all the petitioners went to a hotel and after taking food, they refused to pay money and when it was questioned by the de-facto complainant, who is the owner, the petitioners attacked him and also caused damage to the hotel, to the tune of Rs.1,00,000/-. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that the occurrence took place in a wordy quarrel and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate 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 interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
12/02/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT PRISON, THIRUPATHUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.MARIYA SELVAM PRABHU Advocate on payment of necessary charges SR.NO.1504

WEB COPY

CRL OP.2513/2021

Date :12/02/2021

cs 15/02/2021