

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2588 of 2021

1.Jegadeesh  
2.Jagan  
3.Thamizhazhagan

... Petitioners

Vs.

State by  
The Inspector of Police,  
Vellore Taluk Police Station,  
Vellore District.  
(Crime No.31 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 by the respondent police concerned in Cr.No.31 of 2021 on the file of Inspector of Police, Vellore Taluk Police Station, Vellore District on their appearance before the concerned Court.

For Petitioners : Mr.M.R.Elavarasan

For Respondent : Mr.S.Karthikeyan,  
APP

ORDER

**(The case has been heard through video conference)**

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 353, 332 and 506(2) of I.P.C., in Crime No. 31 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 petitioners have organised a Jallikattu at Munjurpattu village, Vellore District on 27.01.2021 and a permission was granted to conduct jallikattu from 10.00 a.m. to 01.00 p.m. But, even after expiry of time, the petitioners have continued the jallikattu. Hence, it was questioned by the Village Administrative Officer, wherein they have attacked, abused and also criminally intimidated him. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that the 1<sup>st</sup> petitioner is a police personnel as TSP XV Batalion, he has been brutally attacked by the respondent police, sustained severe injury and admitted in the hospital. To prove the same, they have also enclosed the photographs. He would submit that they 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, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have continued jallikattu after the fixed time, which was questioned by the Village Administrative Officer, due to which, the petitioners have abused and attacked him, in fact, one of the petitioners was seriously injured. He would submit that now 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. Taking into consideration the fact that the injured discharged from the hospital and there is no bad antecedents against the petitioners, 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.I, 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 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.

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

-sd/-  
24/02/2021

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+1 CC to M/S.K.BALU Advocate on payment of necessary charges  
SR.NO.2254

CRL OP.2588/2021

सत्यमेव जयते Date :24/02/2021

TA-26/02/2021

WEB COPY