

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3633 of 2021

K.Anbu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai Dt.
(Crime No.65 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.65 of 2021 on the file of respondent police.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are thirteen accused and the petitioner is arrayed as A13. The petitioner, who was arrested and remanded to judicial custody on 06.02.2021 for the offence punishable under Sections 147 148, 294(b), 323, 324, 120-B, 506(ii) and 307 of I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.65 of 2021, seeks bail.

2. The case of the prosecution is that due to some civil dispute between the parties, the petitioner has instigated the other accused, thereby A1 to A4 have attacked the injured persons numbering 4 and caused serious injury, as a result of which, one person was injured, who has suffered a fracture in his right leg. Hence, the criminal case has been registered against the petitioner, he was arrested and remanded to judicial custody on 06.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is arrayed as A13 and the only allegation made against the petitioner is that he has instigated the other accused to commit the offence and except that, there is no specific

overtact attributed against the petitioner. He would also submit that he was not present in the scene of occurrence and only the other accused have attacked the injured person. He would further submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. He would submit that the petitioner was in jail from 06.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that a civil dispute is pending between the parties and at the instigation of the petitioner, all the other accused have attacked them, in which, four persons sustained serious injury and one of the injured person is still in hospital and one other person was secured. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the only overtact attributed against the petitioner is that at his instigation, the other accused attacked the injured person and no other specific overtact attributed against him, and also considering the period of incarceration suffered by the petitioner from 06.02.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Polur, Thiruvannamalai, 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 petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(f) the petitioner 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 petitioner 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];

(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/-
01/03/2021

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,
POLUR, THIRUVANNAMALAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges SR NO. 2488

CRL OP.3633/2021

Date :01/03/2021