

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.5823 of 2021

1 KIRAN
2 ABASH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VELLORE DISTRICT
(CRIME NO.92 OF 2021)

[RESPONDENT]

For Petitioner : M/S.R.PARTHIBAN Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehend at the hands of the respondent police for the alleged offence under Sections 294(b) and 307 of IPC in Crime No.92 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the other accused were said to have assaulted the defacto complainant with wooden log and stones and thereby sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A3 and A4. It is further submitted that the petitioners are innocent persons and they have been falsely implicated in this case as if they are friends of A1. He further submits that they were no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with the other accused were said to have attacked the defacto complainant and caused injuries. He further submitted that the injured had been discharged from the hospital and further stated that there is no previous case pending against these petitioners.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and that there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Vaniyambadi, Vellore District, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only), with two sureties each 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:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

(d) the 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/04/2021

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,
VANIYAMBADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VELLORE DISTRICT

+1CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges SR NO.4804

CRL OP.5823/2021

Date :08/04/2021

MK:16/04/2021

WEB COPY