

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.7065 of 2021

1. Vinoth Kumar @ Vinothraj
2. Appu @ Prasanth

... Petitioners

Vs.

The State Rep. by
Inspector of Police,
Ponneri Police Station
Ponneri,
Tiruvallur Dt - 601 204.
(Crime No.309 of 2019)

.... 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 in Crime No.309 of 2019 pending on the file of the respondent.

For Petitioners: Mr.R.Dineshkumar

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 353 and 506 (ii) of I.P.C. in connection with Crime No.309 of 2019 on the file of respondent police and this is the second petition seeking for anticipatory bail filed by the petitioners..

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners said to have abused the defacto complainant with filthy language and also assaulted him, his wife and his daughter. Hence, the complaint.

3. Earlier, this Court had passed an order dated 19.01.2021 in CrI.O.P.No.94 of 2021 dismissing the petition on the ground that the investigation is still pending.

4. Today, when the matter taken up for hearing, the learned Government Advocate would submit that the investigation is almost completed.

5. Taking into consideration of the fact that now, the investigation is almost completed, 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-I, Ponneri, on condition that the 2nd petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 daily at 10.30 a.m. until further orders ;

[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/-
23/04/2021

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-I,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
PONNERI, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.DINESHKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY CRL OP.7065/2021
Date :23/04/2021

MN-29/06/2021