

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

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

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.7900 of 2021

BABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT
CR NO.2/2021

For Petitioner : M/S.I.PERIASWAMY Advocate

For Respondent : MRS.V.SARATHA DEVI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 341, 294(b) and 302 of I.P.C, in Crime No.2 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. Totally, there are 11 accused in this case and the petitioner is arrayed as A7. The case of the prosecution is that due to previous enmity, the petitioner along with other accused waylaid the husband of the defacto complainant, attacked him with knife and sticks and caused serious injuries to him and the victim succumbed to injuries. Hence, the complaint came to be registered.

3. Earlier, anticipatory bail petition was dismissed on the ground that specific overt-act has been attributed against the petitioner and his name is found place in the First Information Report.

4. The learned counsel for the petitioner would submit that now A8 and A9, similarly placed persons were granted anticipatory bail by the order of this Court in CrI.O.P.No.5868 of 2021, dated 09.06.2021 .

5. The learned Government Advocate, on instructions, would submit that co-accused in this case were released on bail.

7. Considering the facts and circumstances of the case and also the fact that similarly placed co-accused in this case were released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with some conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.1, Tirupatture on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

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With the above directions, this Criminal Original petition is ordered.

-sd/-

28/04/2021

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,
NO.I, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.I.PERIASWAMY Advocate on payment of necessary charges
SR.5720

CRL OP.7900/2021

Date :28/04/2021

RVR 04/05/2021

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