

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.7585 of 2021

Visvanathan

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Veppa Kuppam Police Station,
Vellore Dt.
(Crime No.943 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.943 of 2020 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.Charles Premkumar
Govt. Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of respondent police for the offence punishable under Sections 447, 294(b), 506 (i) of I.P.C. and Section 4 of Women Harassment Act r/w section 66 (A) of Information Technology Act, subsequently altered into 447, 294(b), 506(i) of I.P.C. and Section 4 of Women Harassment Act r/w Section 66(E) of Information Technology Act, in connection with Crime No.943 of 2020 on the file of respondent police and this is the second petition seeking for anticipatory bail filed by the petitioner.

2. The case of the prosecution is that there was a quarrel between two groups i.e. the petitioner along with others and the defacto complainant family members. It is alleged that the petitioner has taken the videos of the quarrel and uploaded it in the social media. Hence, the complaint was registered against the petitioner.

3. Earlier, this Court had passed an order dated 17.02.2021 in CrI.O.P.No.1940 of 2021 dismissing the petition on the ground that the petitioner is an habitual offender and he is having bad antecedents.

4. The learned Government Advocate would submit that the petitioner has involved in series of crime, now the investigation is almost completed and the other accused are granted anticipatory bail.

5. Taking into consideration of the fact that the other accused are granted anticipatory bail in two other cases and now, the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Vellore, on condition that the 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 petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for interrogation ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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];

[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 ADDITIONAL MAHILA COURT,
VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEPPA KUPPAM POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR NO.5253

CRL OP.7585/2021

Date :23/04/2021

MK:27/04/2021

सत्यमेव जयते

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