

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7690 of 2021

1 SELVARAJ
2 SETTU
3 SELVAM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT
CRIME NO.1626 OF 2020

[RESPONDENT]

For Petitioner : M/S.M.R.THANGAVEL Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 174 of Cr.P.C. later altered to 306 IPC in Cr.No.1626 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the the petitioners and the deceased person are relatives. Due to pathway dispute between the petitioners and the defacto complainant. For which, the petitioners threatened the defacto complainant's son and attacked him. Thereby, he sustained injuries. The defacto complainant's son took treatment in government hospital as out patient and thereafter, on 14.11.2020, he was found hanging in tree due to the quarrel. Based on the complaint, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and On that day, the deceased person, inebriated mood, picked up quarrel with the petitioners. The petitioners are no way connected in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that all the accused persons are relatives of the defacto complainant. Due to pathway dispute, the petitioners quarreled with the deceased and caused injuries. The investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made on either side, 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-I, Vellore, on condition that the petitioners 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 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 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]; and;

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

-sd/-
26/04/2021

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,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges SR NO.5507

CRL OP.7690/2021

Date: 26/04/2021

MK:30/04/2021

WEB COPY