

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 M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7996 of 2021

1 MANIKANDAN [PETITIONERS / ACCUSED]
2 SURESH KUMAR @ KANDIPPAN

Vs

STATE REP.BY [RESPONDENT]
SUB-INSPECTOR OF POLICE
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.
CR.NO.105 OF 2021.

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

For Respondent : M/S.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 punishable under Section 294(b), 323, 325 and 506(ii) of IPC, in Crime No.105 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners due to previous enmity had picked up quarrel with the defacto complainant and attacked him with hands and caused injuries. The defacto complainant also lost his teeth during this attack. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. However, on instructions, the learned counsel for the petitioners submitted that the petitioners on their own volition is ready to pay a sum of Rs.50,000/- to the defacto complainant and sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners had attacked the defacto complainant and caused injuries. The defacto complainant

also had lost his teeth. He further submitted that the injured has been discharged from hospital and there is also a case in counter in Crime No.106 of 2021.

5.Taking into consideration the facts and circumstances of the case and also that the injured has been discharged from hospital and taking into consideration that the petitioner is ready and willing to pay a sum of Rs.50,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) directly to the defacto complainant within two weeks and produce the receipt before the concerned Magistrate and on such deposit, 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 separate bond for a sum of Rs.10,000/- (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 pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) directly to the defacto complainant within two weeks and produce the receipt before concerned Magistrate at the time of executing surety.

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(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**

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

-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, 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.

+1 CC to M/S.M.R.THANGAVEL Advocate on payment of necessary charges SR.NO.5506

CRL OP.7996/2021

Date :28/04/2021

TA-17/05/2021

WEB COPY