

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.9187 of 2021

1.P.Bala,
2.S.Arunkumar @ Arun,
3.Vinith Kumar @ Suman.

... Petitioners

Vs.

State rep. by:

The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No.140 of 2021)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.140 of 2021 on the file of the Respondent Police.

For petitioner : Mr.S.Thirugnanam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate.

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 147, 294(b), 323, and 324 of IPC in Crime No.140 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in a wordy quarrel between the petitioners and the defacto complainant, the petitioners said to have attacked the defacto complainant with stone and thereby caused severe injuries. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Due to previous enmity, they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that due to previous enmity the petitioners have attacked the defacto complainant with stone and thereby caused injuries. He further submitted that the injured has been discharged from hospital and no previous case is pending as against the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the learned Government Advocate that the injured has been discharged from hospital, 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 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-III, Vellore, on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/05/2021

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.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S. S.THIRUGNANAM Advocate on payment of necessary charges SR.No.6153

WEB COPY

CRL OP.9187/2021

Date :13/05/2021

cs 17/06/2021