

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM

THE HON'BLE Mr.JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9449 of 2021

Mohan

...Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Thimiri Police Station,
Vellore District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail, in the event of his arrest in Crime No.Not known of 2021, pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.J.C.Durairaj
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324 & 506(ii) of IPC, in Crime No.Not known of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that a false complaint has been given against the petitioner and he has not connected with the crime as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently opposed to grant of anticipatory bail to the petitioner.

4.This Court considered the submissions made by the learned counsel for the parties concerned and also perused the materials placed on record. On a perusal of records, it reveals the fact that the occurrence took place on 14.05.2021 at 9.00 p.m., due to the partition of ancestral properties. The defacto complainant's son-in-law viz., Udhayakumar and the petitioner are brothers. On 14.05.2021,

the petitioner went to Udhayakumar's house and questioned him about the activities and therefore the alleged occurrence took place and thereby, the defacto complainant's son-in-law got injured and the injured has been discharged from the hospital.

5.The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of his arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate No.I, Walajapet, on condition that the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or to the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner shall make himself available for interrogation by the police officer as and when required;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall appear before the Court below, whenever required.

[e] the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[f] the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/05/2021

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 DISTRICT MUNSIF CUM
JUDICIALMAGISTRATE NO.1, WALAJAPET

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges Sr.6262

CRL OP.9449/2021

Date :20/05/2021

RVR 02/07/2021

WEB COPY