

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2021

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.9439 of 2021

1.Rasu

2.Arun @ Arunachalam

...Petitioners/Accused Nos.2 & 3

Vs.

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

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners in the event of their arrest in Crime No. 112 of 2021, pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 387 & 506(ii) of IPC, in Crime No.112 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel appearing for the petitioners would submit that as far as the first petitioner is concerned, he seeks permission of this Court to withdraw this petition. He would further submit that as far as the second petitioner is concerned, a false complaint has been given against him and he has not connected with the crime as alleged by the prosecution.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are four previous cases pending against the second petitioner/A2. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

4.This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the material on record.

5. Recording the above said submission made by the learned counsel for the petitioners, this Criminal Original Petition stands dismissed as with drawn with regard to second petitioner/A2.

6. 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 first petitioner is not necessary and the fact that there is no apprehension that the first petitioner may abscond, the first petitioner is granted anticipatory bail in the event of his arrest or on his appearance, before the Judicial Magistrate No.V, Vellore, on condition that the first 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 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 first petitioner shall make himself available for interrogation by the police officer as and when required;

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

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

[e] the first 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 first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 JUDICIAL MAGISTRATE,
NO.V,VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
STHUVACHARI POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges
Sr.6263

CRL OP.9439/2021

Date :20/05/2021

RVR 03/06/2021

WEB COPY