

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Crl.O.P.No.9908 of 2021

Manikanda Raja

... Petitioner

Vs.

The State, rep. by
Inspector of Police,
Sathuvachari Police Station,
Vellore District
(Crime No.146 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.146 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, apprehending arrest by the respondent State for alleged offences punishable under Sections 294(b), 341, 324, 506(ii) of 'Indian Penal Code, 1860' ('I.P.C.' for the sake of brevity) vide Crime No.146 of 2021 on the file of Sathuvachari Police Station, Vellore District has moved the captioned Criminal Original Petition under Section 438 of 'The Criminal Procedure Code, 1973' ('Cr.P.C.' for the sake of brevity) seeking anticipatory bail.

2. This Court heard Mr.K.Karthik, learned counsel for petitioner and Mr.A.Gopinath, learned State Counsel on behalf of respondent State.

3. Learned counsel for petitioner submits that, this is a matter, where, children were fighting among themselves and when the petitioner intervened, that lead to a wordy quarrel and according to the petitioner, this is the reason for a false complaint by the defacto complainant. Be that as it may, it is also submitted that the alleged victim was treated as outpatient in a hospital and returned

home from the hospital on the same day. It is also submitted that there is no adverse antecedents qua the lone petitioner.

4. There is no disputation by the learned State Counsel regarding the injured being treated as outpatient and having been sent home by the hospital on the same day. It is also submitted on instructions that there is also no disputation regarding adverse antecedents qua the petitioner.

5. In the light of the aforesaid narrative, this Court is inclined to accede to the prayer for anticipatory bail in the captioned Criminal Original Petition.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate No.II, Vellore, and execution of 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bond and the learned jurisdictional Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure / verify their identities;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is breach of any of the aforesaid conditions, the learned jurisdictional Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with P.K. Shaji principle i.e., as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) Though obvious, it is made clear that if the accused thereafter absconds, consequences ingrained in Section 229-A I.P.C. will follow as applicable.

-sd/-

04/06/2021

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.II, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SATHUVACHARI POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.SOMASEKAR Advocate on payment of necessary charges

CRL OP.9908/2021

सत्यमेव जयते Date : 04/06/2021

RVR 06/07/2021

WEB COPY