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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12476 of 2021

Kullan @ Sathish

... Petitioner

Vs.

The State Represented by :-
Sub Inspector of Police,
Bagayam Police Station,
Vellore District.
(Crime No.210 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.210 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323, 324 and 506(ii) of I.P.C. in Cr.No.210 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons trespassed into the house of the defacto complainant and attacked him and caused injuries. There is a case and counter. The respondent police have registered FIR based on complaint given by both the sides.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he is not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (crl. side) appearing for the respondent submitted that the petitioner threatened the defacto complainant, attacked with each other and the victim has been discharged from the hospital and there is a counter case.

5. Considering the facts and circumstances of the case and also the fact that victim has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner 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 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 petitioner 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 petitioner 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;

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

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

(e) 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]; and;



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

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-sd/-
20/07/2021

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 DISTRICT [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+!CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges S.R. NO. 7621

CRL OP.12476/2021

Date :20/07/2021

JPA 29/07/2021