



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13231 of 2021

Afroze

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
(Crime No.335 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail concerned in Crime No.335 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Mohammed Sayeed

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

ORDER

The petitioner who was arrested on 16.07.2021 and remanded to judicial custody for the offences under Sections 294(b), 427, 307 of IPC, 1860 and Section 4 of TNPPDL Act and 9(B)(1)(b) Explosives Act, in Crime No.335 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons while standing on the road, at that time, the defacto complainant with rash and negligent manner riding his bike and due to which the rain water stagnated at road was splashed at the face of the petitioner and other accused persons, due to which, wordy quarrel arose between them, for which, the petitioners and other accused had assaulted the defacto complainant with iron rod and also set fire to the two wheeler belonging to the defacto complainant.. Hence the complaint was registered.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail for more than 12 days. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that there is no previous case pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate Court No.IV, Vellore, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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. until further orders;

(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/-
30/07/2021

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLORE NORTH L & O POLICE STATION,
VELLORE DISTRICT.

+2 CC to M/S.J.PRAKASAM Advocate on payment of necessary charges
SR.No.7943

CRL OP.13231/2021

Date :30/07/2021

cs 02/08/2021