

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No.17882 of 2020

1.Ravi @ Ravikumar,
S/o. Subramani.

2.Shanthi,
W/o.Ravi @ Ravikumar

Petitioners 1 and 2 are residing at
No.16/6, Subramanisamy Kovil Street,
Thorapadi,
Vellore-632 002.

.. Petitioners/ A5 & A6

Vs.

The State rep. by its
The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

[Crime No. 132 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.SU.Srinivasan

For Respondent : Mrs.Kritika Kamal
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Sections 147, 294(b), 323, 506 (i) and 302 of I.P.C., in Crime No. 132 of 2020, seek anticipatory bail.

2. The case of the prosecution is that, on 10.03.2020, there was a dispute between the de-facto complainant and her husband/A1. The de-facto complainant's brother came to her house for mediation. At that time, the accused persons, including the petitioners assaulted the de-facto complainant's brother and he fell down. The petitioners and other accused ran away from the place of occurrence. The de-facto complainant's brother died due to the injuries caused by the petitioners and other accused. On complaint, a case has been registered against the petitioners under Sections 147, 294(b), 323, 506 (i) and 302 of I.P.C.

3. The learned counsel appearing for the petitioners submitted that due

to family dispute between the de-facto complainant and her husband/A1, on the date of occurrence, the petitioners went to the house of A1 to pacify the defacto complainant and A1. At that time, the deceased used un-parliamentary words against A1 and the defacto complainant asked the deceased to assault A1, her husband. In order to safeguard from the attack by the deceased, A2 pushed the deceased. The defacto complainant's brother was in drunken mood and he fell down. No one attacked the deceased. Immediately after the incident, the petitioners took the deceased to nearby hospital and on their advice, they have taken him to C.M.C.Hospital, Vellore. The petitioners were not having any intention to murder the defacto complainant's brother. The petitioners are law abiding citizens. A2 to A4 surrendered and subsequently, A2 and A3 were enlarged on bail by this Court. The petitioners went to A1's house as well-wishers like others. The petitioners are nothing to do with the alleged offence. Crl.O.P.Nos.6575 and 12336 of 2020 filed by the petitioners were dismissed as withdrawn on 20.03.2020 and 25.08.2020 respectively. Crl.O.P.Nos.7819 and 9604 of 2020 filed by the petitioners for grant of anticipatory bail were dismissed on 26.05.2020 and 29.06.2020 respectively. After dismissal of Crl.O.P.No.12336 of 2020 on 25.08.2020, A1 surrendered

on 11.09.2020 and the Respondent police has taken custody of A1 on 16.09.2020. A1 was enlarged on bail by the order dated 10.11.2020. In view of the above change of circumstances, the learned counsel appearing for the petitioners seeks anticipatory bail. The learned counsel further submitted that the petitioners are working as a Headmaster and Teacher in a school, they will not abscond, they will co-operate with investigation and they are ready to abide any conditions that may be imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the petitioners only assaulted the deceased and when the defacto complainant and her uncle tried to prevent the assault, the petitioners assaulted the defacto complainant and her uncle. A1, who surrendered before the Police confessed that the petitioners also assaulted on the chest, head and stomach of the deceased. In view of the same, custodial interrogation of the petitioners is necessary to complete the investigation. If anticipatory bail is granted, the petitioners will abscond and they will tamper the investigation and prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioners as well as the

learned Government Advocate (Crl.side) appearing for the respondent Police and perused the materials available on record.

6.From the materials on record, it is seen that the alleged occurrence has taken place on 10.03.2020. After the occurrence, according to the petitioners, A2 to A4 surrendered and A2 and A3 were enlarged on bail. After dismissal of fourth anticipatory bail petition as withdrawn on 25.08.2020, A1 surrendered on 11.09.2020 and he was taken into custody by the Police on 16.09.2020. Subsequently, A1 was enlarged on bail by the order dated 10.11.2020. Considering the date of occurrence and the fact that A1 surrendered on 11.09.2020, he was taken into Police custody on 16.09.2020 and was enlarged on bail on 10.11.2020, custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.In view of the above circumstances, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of a copy of this order before the Court of the

Judicial Magistrate No.V, Vellore, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the concerned Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii) the petitioners shall not abscond either during investigation or trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court, reported in **2005 AIR SCW 5560**

(P.K. Shaji vs. State of Kerala) and

(v) If the petitioners thereafter abscond, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

8. Accordingly, this Criminal Original Petition is allowed.

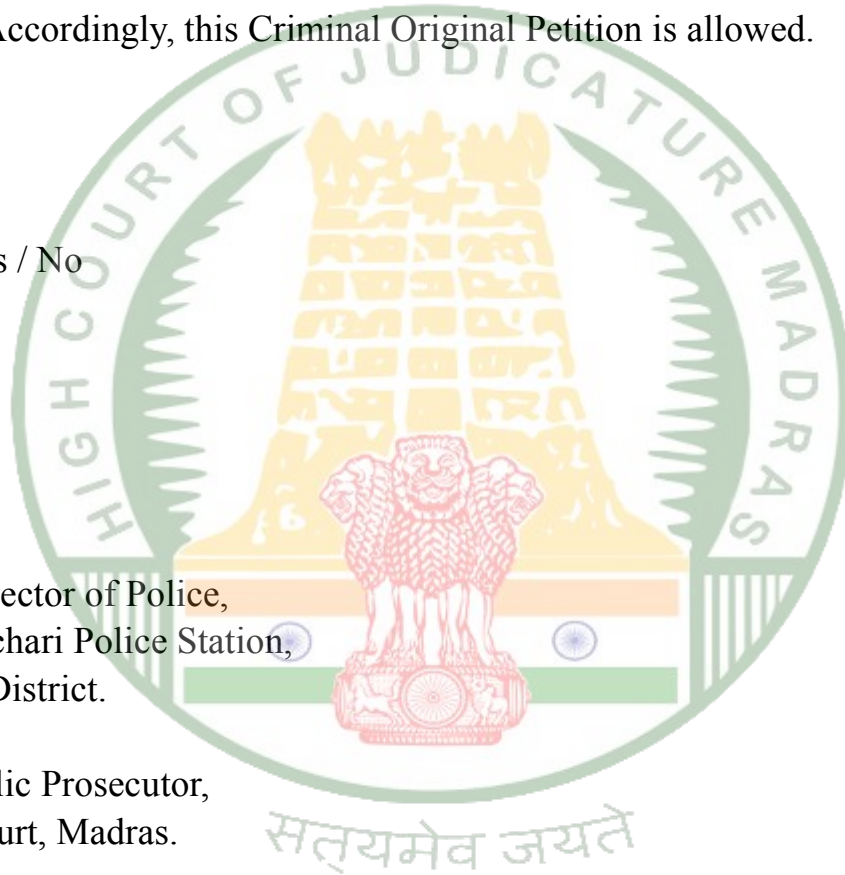
27.01.2021

Index : Yes / No
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To

1.The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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