



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18054 of 2021

1 ELAMARAN [PETITIONER / ACCUSED]
2 PAVUNKUMAR
3 VASUDEVAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUVANNAMALAI POLICE STATION,
TIRUVANNAMALAI DISTRICT.
(CRIME NO.645/2021)

For Petitioner : M/S.S.MICHAEL Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 324, 307 and 506(ii) of IPC in Crime No.645 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on account of previous enmity between the first petitioner and the defacto complainant, the first petitioner instigated the other accused persons to follow the defacto complainant and assault him. As per the instructions of first petitioner, all the accused persons/petitioners have joined together and attacked the defacto complainant with cricket stump, thereby, the defacto complainant had sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there is no specific overtact against the petitioners and the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) submits that investigation is pending. He further submits that there are two previous cases pending against the first petitioner for the offence under Section 302 of IPC, and in respect of the second petitioner, he was already arrested and hence nothing survives for adjudication and with regard to third petitioner there is no previous case against him.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, this court is not inclined to grant anticipatory bail to the first petitioner. With regard to the second petitioner, he has been already arrested and nothing survives for adjudication. In view of the above, this petition is dismissed as against the petitioners 1 and 2. With regard to third petitioner, there is no previous case against him. Hence, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions:

6. Accordingly, the 3rd petitioner is ordered to be released on bail, the 3rd 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 **learned Judicial Magistrate No.II, Tiruvannamalai**, 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 3rd 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 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 3rd 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.



7. With the above directions, this Criminal Original Petition in respect of the first and second petitioners stand dismissed. The Criminal Original Petition in respect of the third petitioner stands ordered.

WEB COPY

-sd/-
29/09/2021

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, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.MICHAEL Advocate on payment of necessary charges
SR.NO.10854

CRL OP.18054/2021

Date :29/09/2021

TA-12/10/2021