

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20555 of 2020

Gopal

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Kandili Police Station,
Vellore District.
(Crime No.929 of 2020)

.... 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 connection with the Crime No.929 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Jermiah

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 324, 307 of IPC in Crime No.929 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that totally there are two accused in this case and the petitioner is ranked as A2. The petitioner and the defacto complainant are relatives. Due to wordy quarrel arose between the defacto complainant family and the petitioner family with regard to taking water from the common well, resulting which the petitioner is said to have attacked the defacto complainant and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the said office and he has been falsely implicated in this case. He would further submit that A1, who is the father of the petitioner, was already arrested and now he released on bail. Therefore, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that A1, who is the father of the petitioner was arrested and now released on bail. He would further submit that the injured has been discharged from the hospital.

5.Considering the fact that A1 was arrested and now released on bail and taking note of the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate II, Tirupattur, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
KANDILI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.G.JEREMIAH Advocate on payment of necessary charges
SR.No.235

cs 19/01/2021



CRL OP.20555/2020

Date :07/01/2021

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