



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20142 of 2021

1 S.VIVEK @ VIVEKMAYI
2 DURAIPANDI @ THORAIPANDI
3 REVANTH
4 MOORTHY
5 VADIVEL @ VADIVELU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
EMERALD POLICE STATION,
THE NILGIRIS
CR NO.75/2021

[RESPONDENT]

For Petitioner : M/S.M.GURUPRASAD Advocate

For Respondent : M/S. A.GOPINATH, 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 offences under Section 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.75 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are relatives. The defacto complainant is working as a coolie under A1. Due to meagre income the defacto complainant left the job. Thereby the petitioners joined together and attacked the defacto complainant using iron rod. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submit that the submit that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the



petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners attacked the defacto complainant using iron rod. He further submits that the injured discharged from the hospital and no previous cases pending as against the petitioners. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Udhgamandalam on condition that the petitioners 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 petitioners and the sureties shall affix his 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 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 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.

WEB COPY

-sd/-

27/10/2021

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,
UDHAGAMANDALAM

2 THE CHIEF JUDICIAL MAGISTRATE
NILGRIS [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
EMERALD POLICE STATION,
THE NILGIRIS,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.No.11960

CRL OP.20142/2021

Date :27/10/2021

APN 12/11/2021