



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

WEB COPY

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20914 of 2020

Dhanush @ Dhanush Raj

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Ambur Taluk Police Station
Vellore District.
(Crime No.1183/2020)

... 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 Crime No.1183 of 2020 pending on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as 3rd accused. He has been implicated with the crime for the offence punishable under Sections 307 of I.P.C. in Crime No.1183 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The learned counsel appearing for petitioner would submit that F.I.R. has been registered on the ground that the petitioner along with other accused attempted to murder one Ramesh Babu on 09.07.2020. Earlier, the crime has been registered against the petitioner for an offence under Sec.302 of I.P.C. on the ground that he has murdered one Ramesh Babu and released on bail, thereafter, the present case has been registered on the ground that the petitioner has attempted to murder him in an earlier occasion.

3. The learned Additional Public Prosecutor opposed the anticipatory bail application on the ground that, the petitioner along with other accused murdered one Ramesh Babu and he was granted bail in that case. The present F.I.R. has been registered on the ground that the petitioner has attempted to murder the deceased one Ramesh Babu in an earlier occasion.



4. Taking into consideration of the fact that already, a person, against whom, the petitioner said to have attempted to murder has been died and the petitioner is also implicated in that case and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Additional District Munsif-cum-Judicial Magistrate, Ambur on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 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];

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



5. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-
06/01/2021

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 ADDITIONAL DISTRICT
MUNSIF-CUM-JUDICIAL MAGISTRATE,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.20914/2020

Date :06/01/2021

MK:25/01/2021