

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21745 of 2021

1. Dinakaran
2. Naveenraj

... Petitioners

Vs.

State of Tamilnadu
Represented by,
Inspector of Police,
Thakkolam Police Station,
Vellore - 631 051.
(Thakkolam Cr. No.155 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioners on Anticipatory bail in Crime No. 155 of 2021 on the file of the respondent Police.

For petitioner : Mr.R.Pragadeeswaran

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 506(ii), 294(b), 323 and 324 of IPC, 1860 (as amended) in Crime No.155 of 2021, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that due to a wordy quarrel, the petitioners abusing with filthy language and assaulted the defacto complainant. Hence, this complaint.

4.The learned counsel for the petitioners further would submit that the petitioners are innocent and they have not committed any offences as alleged by the prosecution. Hence, they pray for grant of anticipatory bail.

5.The learned Government Advocate would submit that the investigation is almost completed and no previous cases against these petitioners.

6.Taking into consideration the nature of allegation and also that there is no specific overt act against these petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are 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 Judicial Magistrate, Arakonam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/11/2021

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,
ARAKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAKKOLAM POLICE STATION,
VELLORE 631051.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.PRAGADEESWARAN Advocate on payment of necessary charges

CRL OP.21745/2021

Date :19/11/2021

CSK 23/11/2021