



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

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

Crl.O.P.No.22972 of 2021

Viji @ Vijayakumar

... Petitioner/A.3

Vs.

State Rep. By
The Inspector of Police,
Mangadu Police Station,
Chennai City, Chennai
Crime No.992 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.992 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.N.Baskaran

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl.Side)

ORDER

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 324 and 307 of IPC in Crime No.992 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have abused, attacked the defacto complainant, who is studying X standard, with knife and threatened with dire consequences, on account of previous enmity. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that there is no averment levelled against the petitioner in the FIR and he is only the friend of A.1, therefore, prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that due to the alleged occurrence, victim sustained injury and suffered nearly 10 stitches. He further submitted that the injured has been discharged from the hospital on 12.11.2021 and the co-accused/A.1 and A.2 were arrested on 13.11.2021 and there is one previous case pending against the petitioner. He would also submit that the investigation is almost completed.

5. By way of reply, the learned counsel appearing for the petitioner submits that even as per the FIR, there is no specific allegation levelled against the petitioner and no specific overt act attributed against the petitioner, thereby pleaded to grant the relief of anticipatory bail.

6. Considering the facts and circumstances of the case, that co-accused/A.1 and A.2 were already arrested on 13.11.2021 and they are still in jail and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sriperumbudur, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 petitioner is directed to report before the respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders.

[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/-
30/11/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI CITY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.BASKARAN Advocate on payment of necessary charges
SR.NO.13858

CRL OP.22792/2021

Date :30/11/2021

JPA 13/12/2021