



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

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

Crl.O.P.No.24255 of 2021

1.Gajapathy
2.Saravanan

... Petitioners

Vs.

State by
The Inspector of Police,
Bagayam Police Station,
Vellore District.
Crime No.398 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.398 of 2021 on the file of the respondent.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl. Side)

ORDER

The petitioners whom apprehend arrest for the alleged offence under Sections 341, 294(4), 323, 324, 506(ii) of IPC later altered into 341, 294(b), 323, 324, 506(ii), 147, 148 and 302 of IPC in Cr.No.398 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons had abused the deceased with filthy languages and assaulted him with wooden log, thereafter, the deceased was taken to the hospital and he declared died. Hence, the complaint.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and he further submits that second petitioner is only a relative who is ranked as A8 and he is no way connected to the alleged occurrence and he is working as a Government Servant. He prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the petitioners along with other accused persons assaulted the deceased and caused grievous injuries to him. Subsequently deceased taken to the hospital, there he died. Hence, he vehemently opposed the grant of bail.

5. Considering the facts and circumstances of the case and also the fact that the second petitioner is the Government servant, if he released on bail, he would not tamper with evidence nor the witness either during investigation but the first petitioner if released on bail, he tamper with the witnesses. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed as against the first petitioner and also considering the fact that this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, the second petitioner is 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 No.I, Vellore*, on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

(a)the second petitioner and the sureties shall affix their 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 second petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further order;

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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.

-sd/-

16/12/2021

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,
NO-I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR.No.14963

CRL OP.24255/2021

Date :16/12/2021

CSK 07/01/2022