



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23675 of 2021

S.Vinothkumar

... Petitioner

Versus

State Rep by
The Inspector of Police,
Ethappur Police Station,
Pathanayakanpalayam Taluk,
Salem District.
(Crime No. 543 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.543 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.N.S.Suganthan
Govt.Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 147, 142, 341, 323 and 506(ii) of Indian Penal Code, 1860, in Crime No.543 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with others assaulted one Mr.Raja, the main accused who was arrested by the 1st Respondent for the offences committed under POCSO Act, 2012, thereby he sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the defacto complainant also arrested under POCSO case. However, he opposed for grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Learned Judicial Magistrate Court, Vazhpadi, Salem District on condition that the petitioner shall execute a bond for 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 appear before the respondent police on every Wednesday 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/-

09/12/2021

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,
VAZHAPADI, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
PATHANAYAKANPALAYAM TALUK,
SALEM DISTRICT-636 117.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.NAGARAJAN Advocate on payment of necessary charges
Sr.14506

CRL OP.23675/2021

Date :09/12/2021

RVR 15/12/2021