



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.347 of 2022

S.Ajith Kumar

... Petitioner

Vs.

State Rep.by
The Inspector of Police
Vellore North Police Station,
Vellore-632 004..
[Crime No.8 of 2022]

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of arrest in Crime No.8 of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Dhanalakshmi

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294-B, 323, 324 and 506(ii) of IPC in Crime No.8 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was drinking liquor in the public, the same was questioned by the defacto complainant, due to which, the petitioner along with other in a drunken mood, abused the defacto complainant in filthy language, assaulted him with empty brandy bottle, threatened him with dire consequences and also caused injuries on him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum **Rs.10,000/-** to the credit of Crime No.8 of 2022. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that totally, there are four accused involved in this case, except this petitioner/A1, other accused persons/A2 to A4 were arrested and remanded to judicial custody. He further submits that the injured had sustained simple injury and discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has discharged from the hospital and also the fact that the petitioner is ready to deposit a sum of **Rs.10,000/-** to the credit of Crime No.8 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate Court No.4, Vellore** 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.8 of 2022 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of **Rs.10,000/-** on proper identification and acknowledgment;

[b] the 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;

[c] **the petitioner shall report before the respondent police on Wednesday at 10.30a.m for a period of four weeks and thereafter as and when required for an 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 action against the petitioner in accordance



with law as if the conditions has been imposed and the petitioner is 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]**; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
07/01/2022

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.4, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE-632 004.

CC to M/S.K.SUTHAN Advocate on payment of necessary charges

CRL OP.347/2022

Date :07/01/2022

TA-20/01/2022