



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1378 of 2022

1.Vincent

2.Velumayil @ Velmayil

... Petitioners

Versus

State represented by
The Inspector of Police,
M5 Ennore Police Station,
Ennore, Chennai.
(Crime No.30 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest in Crime No.30 of 2022 pending investigation on the file of the respondent M5 Ennore Police.

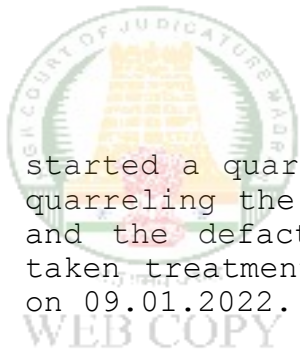
For Petitioners : Mr.K.Anburajan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.30 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 08.01.2022 one Mr.Peter, who is son of A3 towed his own pulzer bike and asked the defacto complainant at his two wheeler mechanic shop and asked him to attend the bike repair. The defacto complainant told the accused that few minutes, the accused waiting for some time, but the defacto complainant not attend repair of the accused bike. After the defacto complainant told that the A1 that he was very busy with other repair works and asked to find some other mechanical shop. The A1 asked the defacto complainant why he has not asked to leave the place at once. After that the A1 informed his father and his relative Vincent to come to the mechanic shop. They came to the mechanic shop and allegedly



started a quarrel between the pet and the defacto complainant. While quarreling the petitioners threw the defacto complainant on the ground and the defacto complainant got injury in his forehead and he was taken treatment in SSS Hospital as an out patient and sent back home on 09.01.2022. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is some wordy quarrel and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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, Thiruvottiyur, on condition that the petitioners 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.30 of 2022 and the victim is permitted to withdraw the same within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners 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 appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/01/2022

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
M5 ENNORE POLICE STATION,
ENNORE, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.K.ANBURAJAN Advocate on payment of necessary
charges SR.NO.1247

CRL OP.1378/2022

Date :24/01/2022

INBA~31/01/2022