



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.1928 of 2022

Gajapathy

... Petitioners

Vs.

State Rep 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 petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.398 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner who 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, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner 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 died. 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. He further submitted that there was no overt act against the petitioner and the petitioner name is neither in the FIR nor in the alterations report. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) on instructions submits that there is no previous case as against the petitioner and he further submitted that the accused were already arrested and released on bail and her further submitted that the investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed 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 No.I, Vellore, on condition that the petitioner shall execute a separate 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and cooperate for the investigation;

(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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
31/01/2022

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.1 VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S J.PRADEEP Advocate on payment of necessary charges
SR.NO.1516

CRL OP.1928/2022

Date :31/01/2022

JPA 09/02/2022