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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1795 of 2022

(*)1.Arun @ Arun Kumar

...Petitioners

2.H.Umanath

3.K.Dinesh

Versus

The State represented by
The Inspector of Police,
Pernambut Police Station,
Vellore District.
(Crime No.36 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 their arrest concerned in Crime No.36 of 2022 on the file of the respondent police.

For Petitioners : Mr.J.Prakasam
(Crl.O.P.No.1795/2022)

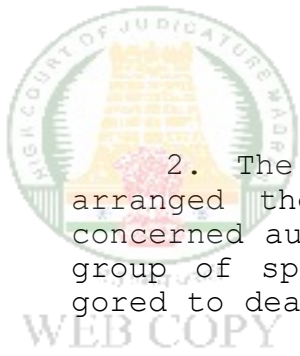
For Petitioners : M/S.T.Muruganantham
(CRL.MP.NO.6958 OF 2022 IN CRL.O.P.NO.1795 OF 2022)

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)
(Crl.O.P.No.1795/2022)

For Respondent : MR.R.KISHORE KUMAR,
Govt. Advocate (Crl. Side)
(CRL.MP.NO.6958 OF 2022 IN CRL.O.P.NO.1795 OF 2022)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 143, 269, 270, 304(2) of IPC, 1860 r/w Section 11(1)(a) of the Prevention of Cruelty to Animal Act, 1960 in Crime No.36 of 2022, seeks anticipatory bail.



2. The case of the prosecution is that the accused 1 to 4 arranged the bull race festival without any permission from the concerned authority. Due to which, bull entered into an area where a group of spectators were standing and rammed them and one boy was gored to death on 15.01.2022. 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 Government Advocate (Crl. Side) appearing for the respondent submitted that all were conducting the bull race festival without any permission, bull entered into an area, where a group of spectators were standing and rammed them to one boy was gored to death, he is aged about 13 years, for no reason he was death. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, on seeing the notice the investigation not yet completed, 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 Court, Gudiyattam*, 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.1,50,000/- (Rupees One Lakhs Fifty Thousand only) [each Rs.50,000/-] to the credit of the Crime No.36 of 2022 and also the Chairman, Legal Services Authority, Vellore District to pay a sum of Rs.1,00,000/- (Rupees One Lakhs only) under Section 357(A) of the Cr.P.C. as a victim compensation to the parents of the deceased as per the manner known to law within a period of four weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below and parent of victim boy is permitted to withdraw Rs.2,50,000/-.



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[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 every Sunday 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/-

02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*] Amended and Time granted by this Court to comply with the conditions imposed vide order dated 02.02.2022 in Cr1.O.P.No.1795 of 2022 is extended for a period of two weeks from the date of receipt of amended copy of this order. as per order of this Court dated 16/06/2022 made in CRL.MP.NO.6958 OF 2022 IN CRL.O.P.NO.1795 OF 2022.

TO

1 THE JUDICIAL MAGISTRATE,
GUDIYATTAM, VELLORE DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERNAMBUT POLICE STATION,
VELLORE DISTRICT.

5 THE CHAIRMAN
LEGAL SERVICES AUTHORITY
VELLORE DISTRICT.

6 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

CC to M/S.J.PRAKASAM Advocate on payment of necessary charges

+1 CC to M/S.T.MURUGANANTHAM, Advocate on payment of necessary
charges SR.NO.9407

CRL OP.1795/2022

Date :02/02/2022

TA-11/02/2022

TA-22/06/2022