



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12353 of 2022

S.NAVEEN KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
VELLORE NORTH LAW AND ORDER POLICE STATION,
VELLORE DISTRICT
(CRIME NO.202 OF 2022)

[RESPONDENT]

For Petitioner : M/S M.SATHISH KUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

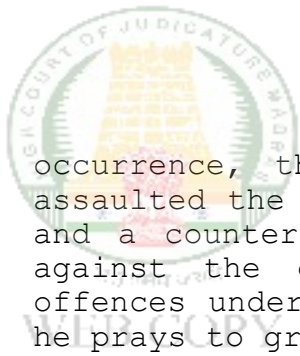
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 307 & 506(ii) of IPC in Crime No.202 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is arrayed as A2, the petitioner and A1 are friends and when they were chatting, due to previous enmity, a wordy quarrel arose between the petitioner and the de-facto complainant, due to which, the petitioner along with A1 assaulted the de-facto complainant with an iron rod. When the same was questioned by the brother-in-law of the de-facto complainant, the petitioner and A1 assaulted the de-facto complainant and his brother-in-law and thereby caused grievous injuries and attempted to cause death. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that in the same



occurrence, the de-facto complainant along with his brother-in-law assaulted the petitioner and A1, for which, a complaint was preferred and a counter case in Crime No.201 of 2022 has been registered as against the de-facto complainant and his brother-in-law for the offences under Sections 294(b), 324, 307, 506(ii) of IPC. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (crl. side) would submit that there is a case in counter in Crime No.201 of 2022 has been registered as against the de-facto complainant and his brother-in-law. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Vellore, Vellore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2022

WEB COPY

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.IV, VELLORE, VELLORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELLORE NORTH LAW AND ORDER POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.7952

CRL OP.12353/2022

Date :26/05/2022

JPA 01/06/2022