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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25604 of 2021

1. R.Vignesh
2. J.ArunKumar

...Petitioners

Vs

The State Rep. By
The Inspector of Police,
Pernambut Police Station,
Vellore District.
Crime No. 598 of 2021

...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 in Crime No.598 of 2021 pending on the file of the respondent Police.

For Petitioners : Mr.A.Vijayakumar

For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)
(Crl.O.P.No.25604/2021)

For Respondent : M/S.A.GOKULAKRISHNAN,
Additional Public Prosecutor
(Crl.M.P.No.995/2022 in Crl.O.P.No.25604/2021)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No. 598 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners abused and attacked the defacto complainant due to which, he sustained injuries. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and he would pray for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that though the injured has been discharged from the hospital, he suffered 8 sutures on his head and fracture in his left hand and hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.598 of 2021 and on such deposit, the petitioners are ordered 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, Gudiyatham, Vellore District**, on condition that the petitioners shall execute separate bonds 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 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 petitioners are directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders.

[c] The defacto complainant is permitted to withdraw the deposit amount of Rs.10,000/- (Rupees Ten Thousand only) on proper identification and acknowledgment.

[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.

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[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 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/-
04/01/2022

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.

[*] Amended as per order of this Court dated 02/02/2022 made in CRL.MP.NO.995/2022 in CRL.O.P.NO.25604/2022.

TO

**(*)THE JUDICIAL MAGISTRATE,
GUDIYATHAM, VELLORE DISTRICT.**

2 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

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



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.VIJAYAKUMAR Advocate on payment of necessary
charges

CRL OP.25604/2021

Date :04/01/2022

TA-07/01/2022.

TA-15/02/2022.