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Crl.O.P.No.542 of 2023

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 506(ii) of IPC in Crime No.249 of 2022, seek anticipatory bail.

2. The case of the prosecution is the the petitioners along with other accused persons waylaid the defacto complainant and assaulted him using glass bottles, due to which he sustained grievous injuries and admitted in hospital. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would submit that the petitioners, without prejudice to their rights and contentions are ready and willing to deposit some amount to the credit of Crime No.249 of 2022. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) would submit that the victim was discharged from hospital. He further submitted that, this is the second anticipatory bail application filed by the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the petitioners are ready and willing to deposit a sum of Rs.10,000/- to the credit of crime No.249 of 2022, 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.249 of 2022 within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate No.1, Vellore, Vellore District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



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(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 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 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cr.No.249 of 2022 before the learned **Judicial Magistrate No.1, Vellore, Vellore District**, within a period of weeks weeks from the date of receipt of a copy of this order and the defacto complainant is permitted to withdraw the above said amount on proper identification and to file an affidavit of undertaking before the trial Court.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.



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[d] the petitioners shall appear before the respondent police every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

12.01.2023

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To

1.The Judicial Magistrate No.1,
Vellore, Vellore District.

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2. The Public Prosecutor,
High Court of Madras.

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