



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18034 of 2021

1 THIYAGARAJAN
2 KARNAN @ KARUNANITHI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
VEDARANYAM,
NAGAPATTINAM DISTRICT.
CR.NO.571/2021.

[RESPONDENT]

For Petitioner : M/S. R.MURUGA BHARATHI Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 323, 506(i) of IPC in Cr.No.571 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as a painter in A1's furniture shop. Due to the salary dispute, there arose a wordy quarrel between petitioner A1 and the de-facto complainant. The petitioners attacked the de-facto complainant using wooden log and threatened him with dire consequences and they have also attacked the de-facto complainant's father. The de-facto complainant sustained serious injuries. Hence, the de-facto complainant lodged a complainant against the petitioners, based on which the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the de-facto complainant had sustained only simple injuries. He further submits that the petitioners on their own



volition are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the de-facto complainant without prejudice to their rights. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl side) submits that injured person has been discharged from the hospital. However, there is a salary balance of Rs.2,600/- due to the de-facto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital and based on the undertaking given by the petitioner to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-Cum-Judicial Magistrate, Vedaranyam, Nagapattinam District, on condition that the petitioners 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 and on further condition that:

(a) the petitioners shall make a deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Crime No.571 of 2021 on the file of the respondent without prejudice to their defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioners on such deposit being made and proof filed by the petitioners;

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

(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 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;

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

-sd/-
28/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDARANYAM,
NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
VEDARANYAM,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. R.MURUGA BHARATHI Advocate on payment of necessary charges SR.NO.10687

CRL OP.18034/2021

Date :28/09/2021

INBA-12/10/2021