



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18739 of 2021

1 BARANIDHARAN [PETITIONERS / ACCUSED]
2 SURENDAR
3 KUPPUSAMY
4 SANTHI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.329 OF 2021.

For Petitioner : M/S. KANNAN K. 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), 324 and 506(ii) of IPC in Cr.No.329 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were doing agriculture work in the de-facto complainant's land and when the same was questioned by the de-facto complainant, there arose a wordy quarrel between them. The petitioners attacked the de-facto complainant and his father using aruval, iron rod and wooden log and abused them in filthy language and threatened them with dire consequence and in the said attack, the de-facto complainant sustained grievous injuries. Hence, 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 he further submitted that when the petitioners were doing agricultural work in their land, the de-facto complainant interrupted their work and abused them using filthy language.



Hence, there arose a wordy quarrel and they have attacked each other. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) submits that injured person has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners A2, A3 and A4. However, since there are two previous cases pending against the first petitioner/A1, this court is not inclined to grant anticipatory bail to the first petitioner/ A1.

6. Accordingly, the petitioners A2, A3 & A4 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 **Judicial Magistrate, Paramathi**, on condition that the petitioners A2, A3 & A4 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 A2, A3 & A4 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;

(b) the second and third petitioners/ A2 & A3 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; whereas, the fourth petitioner/ A4 shall appear before the respondent police as and when required;

(c) the petitioners A2, A3 & A4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners A2, A3 & A4 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 petitioners A2, A3 & A4 in accordance with law as if the conditions have been imposed and the petitioners A2, A3 & A4 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;

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



7. The petition insofar as the petitioners A2, A3 and A4 is allowed, and insofar as the first petitioner/ A1, the petition stands dismissed.

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-sd/-
06/10/2021

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 JUDICIAL MAGISTRATE,
PARAMATHI, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S. KANNAN K. Advocate on payment of necessary charges SR.NO.11357

CRL OP.18739/2021

Date :06/10/2021

TA-26/10/2021