



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19497 of 2021

1 GOVINDARAJ
2 SARAVANAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AANAIKARANCHATHIRAM POLICE STATION,
MAYILADUTHURAI DISTRICT.
(CR.NO.822 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.VIJAYA RAGAVAN Advocate

For Respondent : MR.L.BASKARAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147,148, 294(b), 324 and 506(ii) of IPC in Crime No.822 of 2021 seek anticipatory bail.

2.The case of the prosecution is that there was a dispute in between the brothers in partitioning the ancestral property, thereby, the petitioners have attacked the defacto complainant with wooden stick, thereby causing injuries. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and he would submit that there is also a civil dispute pending between them. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that since there was a dispute in dividing the ancestral property between the brothers, the petitioners have assaulted the defacto complainant. He would further submit that the victim has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.



5. Considering the fact and relationship between the parties and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sirkali, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;

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

-sd/-

12/10/2021

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.



1 THE JUDICIAL MAGISTRATE,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AANAIKARANCHATHIRAM POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary
charges SR.NO.11435

CRL OP.19497/2021

Date :12/10/2021

CSK 18/10/2021