



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.21518 of 2021

BARANIDHARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT
(CRIME NO.329/2021)

[RESPONDENT]

For Petitioner : M/S KANNAN K. Advocate

For Respondent : MR. S.SUGENDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends 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, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were doing agriculture work by using tractor 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 petitioner and other accused persons 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 petitioner and other accused persons.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he further submitted that when the petitioner was doing agricultural work in his land, the de-facto complainant interrupted the work and abused him using filthy language. Hence, there arose a wordy quarrel and the petitioner and other accused have attacked each other and the co-accused have already released on bail by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

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 petitioner.

5. Considering the fact that the injured has been discharged from the hospital and the co-accused persons have been enlarged on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is 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, Paramathi, Namakkal District 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

