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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22395 of 2021

1.Muthusamy  
2.Selamban

... Petitioners

Vs.

State Represented by  
The Sub Inspector of Police,  
Paramathi Police Station,  
Namakkal District.  
(Crime No.439 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on his arrest in crime No.439 of 2021, on the file of the respondent police.

For petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan  
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.439 of 2021, seeks anticipatory bail.

2.Heard both sides.

3The case of the prosecution is that due to wordy quarrel, the petitioners abused the defacto complainant with filthy language and assaulted the defacto complainant with wooden log. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.



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4.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate would submit that the injured has been discharged from the hospital and investigation is almost completed.

6.Taking into consideration the nature of offence and the submissions made by both the counsels and taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 Judicial Magistrate, Paramathi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of four 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 petitioner 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].



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

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-sd/-

26/11/2021

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

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
PARAMATHI POLICE STATION,  
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.13567

CRL OP.22395/2021

Date :26/11/2021

APN 29/11/2021