



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

Crl.O.P.No.23040 of 2021

1.Sridhar .. Petitioners
2.Rajesh
3.Madhu
4.Iyandurai
5.Madheswaran @ Madhesh
6.Sakthivel
7.Sathiyamarayanan @ Sakthinarayanan
8.Mariyappan
9.Ramu
10.Nagasoundar @ Nagasounthiran

Vs.

State Rep.by ...Respondent
The Inspector of Police
Nangavalli Police Station,
Salem District.
Crime No.367 of 2021.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in crime No. 367 of 2021 on the file of the Inspector of Police, Nangavalli Police Station, Salem District.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 323, 324, 326, 307 IPC r/w 109 of IPC in Crime No.367 of 2021, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that with regard to the construction of compound wall in colony area one Jeevanantham who was tried to created a caste clash between the petitioners and the defacto complainant, as a result of which, the petitioners had abused the defacto complainant groups in filthy language and attacked them with hands and knife and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that there is a case in counter and the first petitioner has also given a complaint before the respondent police in Crime No.368 of 2021 against the defacto complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) on instructions submits that one injured person has been discharged from the hospital and another person is still hospital and the investigation is almost completed. Hence, he vehemently opposed to grant of bail.

5. Considering the submissions made by both counsel and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate - I, Mettur, Salem District**, on condition that the petitioners 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 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 police on every Wednesday at 10.30 a.m., until further orders.

(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 has been imposed and the petitioners are 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/-
08/12/2021

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,
NO.I, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.14304

CRL OP.23040/2021

Date :08/12/2021

TA-15/12/2021