



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.25225 of 2021

1.John Melkiyur ... Petitioners
2.John Britto @ Chinnakannu
3.Reymant @ Anthony Raymond
4.Baskuraj @ Paskuraj

Vs.

State Represented by ... Respondent
The Sub Inspector of Police,
Elavanasurkottai Police Station,
Kallakurichi District.
(Crime No.437 of 2021)

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.437 of 2021, on the file of the respondent police.

For petitioner : Mr.S.Saravana Kumar

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 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC, in Crime No.437 of 2021, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners abused him in filthy language and assaulted the defacto complainant and in the said attack the defacto complainant sustained head injuries. On the basis of the complaint lodged by the defacto



complainant, the respondent police registered a case against these petitioners.

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 there is no previous cases pending against these petitioners.

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 No.I, Ulundurpet, 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 Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.774 of 2021, which shall be paid to the defacto complainant by the respondent police;

[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 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]**.

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

-sd/-
23/12/2021

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, ULUNDURPET, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges

CRL OP.25225/2021

Date :23/12/2021

TA-03/01/2022