



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Cr1.O.P.No.25832 of 2021

1. Marimuthu
2. Sandhiyappan
3. Sakthivel
4. Sriraman
5. Guru @ Krishnamoorthy
6. Sivamoorthy

...Petitioners

Versus

The State represented by
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.450 of 2021 pending investigation on the file of the respondent police.

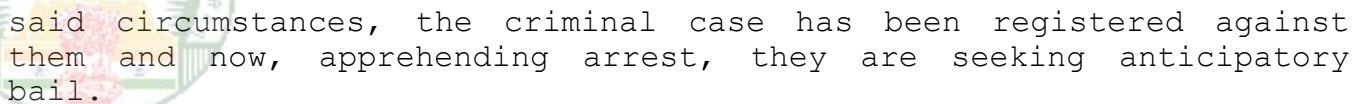
For Petitioners : Mr.M.Kavikannan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC in Crime No.450 of 2021, on the file of the respondent police, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are residing in the same village. On 22.12.2021, there was a wordy quarrel between the petitioner and the defacto complainant regarding the work done by the 2nd petitioner herein, as a result of which, they said to have assaulted him. In the



4. The learned Additional Public Prosecutor would submit that as there was a wordy quarrel between them, as a result of which, the petitioners have also assaulted him with iron rod, thereby caused simple injury on his head and shoulder. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that on the date of occurrence, there was a wordy quarrel between the parties, thereby the petitioners have assaulted the defacto complainant with iron rod, the injured person discharged from the hospital and no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, the Criminal Original Petition is allowed. 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, Pappireddipatti, Dharmapuri District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c]the petitioners shall not tamper with the 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 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].

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

-sd/-

29/12/2021

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,
PAPPIREDDIPATTI, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S M.KAVIKANNAN Advocate on payment of necessary charges SR.NO.15625

CRL OP.25832/2021

Date :29/12/2021

RW 30/12/2021