



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

Crl.O.P.No.25944 of 2021

1.Samraj
2.Radha

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thimmampettai Police Station,
Thimmampettai, Thirupathur District.
Cr.No.173 of 2021

... Respondent

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. 173 of 2021 on the file of the Inspector of Police, Thimmampettai Police Station, Thimmampettai. Thirupathur District.

For Petitioners: Mr.G.Vinodhkumar

For Respondent : Mr.L.A.J. Selvam
Government Advocate (Crl. Side)

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 294(b), 323, 324, 506(ii) of IPC in Crime No.173 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to land dispute, the petitioner at the instigation of other accused / A2 and A3 who are the sister and brother of the defacto complainant had attacked the defacto complainant with wooden rod on the right hand of he defacto complainant and threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that at the instigation of A2 and A3, the petitioner attacked the defacto complainant with wooden log. He would further submit that the investigation is yet to be completed. He further submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. 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, Vaniyambadi, on condition that the petitioner 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 petitioner 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 petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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 is 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,
VANIYAMPADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIMMAMPETTAI POLICE STATION,
THIMMAMPETTAI, THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.VINODHKUMAR Advocate on payment of necessary
charges Sr.15691

CRL OP.25944/2021

Date :29/12/2021

RVR 03/01/2022