



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P.No.25948 of 2021

1. Bagatsingh ... Petitioners
2. Abhisek
3. Saravanan

Vs.

The State rep. by ... Respondent
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur Dt.
(Crime No.1000 of 2021)

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1000 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C. in Crime No.1000 of 2021, on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that on 21.12.2021 at about 08.30 p.m., in a drunken mood, the petitioners said to have scolded the defacto complainant's brother in filthy language and also attacked him. When the same was questioned by the defacto complainant, the petitioners said to have attacked him, thereby caused injury. In the said circumstances, the criminal case has been registered against them and now, apprehending arrest, they are seeking anticipatory bail.



3. The learned counsel appearing for petitioners would submit that totally, there are four accused in this case and the 2nd accused was already arrested and remanded to judicial custody. He would also submit that it is a case in counter in Crime No.1001 of 2021 for the said alleged offences filed against the defacto complainant. He would submit that the petitioners are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on the date of occurrence, while the petitioners are in a drunken mood, scolded the defacto complainant's brother and when the same was questioned by the defacto complainant, there was a wordy quarrel between them, as a result of which, the petitioners have scolded them in filthy language and also assaulted him on his leg with wooden log, thereby caused simple injury. 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, the petitioners alleged to have scolded defacto complainant's brother and when the same was questioned by the defacto complainant, there was a wordy quarrel between them, thereby the petitioners have attacked the defacto complainant, 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, Thiruthuraipoondi**, 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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.25948/2021

Date :29/12/2021

TA-07/01/2022