



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1409 of 2022

1.Gopal

2.Dhanushiya

... Petitioners

Versus

The State represented by  
The Inspector of Police,  
Thammampatti Police Station,  
Salem District.  
(Crime No.285 of 2021)

... 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 connection in Crime No.285 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.N.Umapathi

For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.285 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 19.12.2021 the defacto complainant went to his house after finishing regular work. The petitioner's brother Gopal was parked his bike on the way to his house which was questioned by him. Due to wordy quarrel, the 1st petitioner allegedly assaulted him with koduval on the knee and back of his head and caused injuries below on the right side eye. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is some wordy quarrel and property dispute. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.2, Attur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.285 of 2021 and the victim is permitted to withdraw the same within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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 Aadhar card or Bank pass Book to ensure their identity.

[c] the 1st petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., until further orders and the 2nd petitioner is directed to report before the respondent police as and when requires for interrogation;

[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 anticipatory 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

24/01/2022

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.II, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,  
THAMMAMPATTI POLICE STATION,  
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S N.UMAPATHI Advocate on payment of necessary charges  
sr.1067

CRL OP.1409/2022

Date :24/01/2022

RVR 31/01/2022