



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.1841 of 2022

M.V.NAVEEN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PALLIPATTU POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.7 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.C.VISHWANTH Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 341, 294(b), 323, 324, 506(ii) of I.P.C., in Crime No.7 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.01.2022, while in intoxication the petitioner joined with other persons had assaulted the defacto complainant using wooden log, due to which the defacto complainant sustained injuries. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that he has been falsely implicated in this case and pleads for grant for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent raised objection stating that the investigation is still pending. However, he admits that the person who sustained injury in the alleged occurrence has discharged from the hospital after completing treatment.



5. The submissions made by the learned Counsel appearing for either sides are considered. It is alleged that at the time of occurrence the petitioner and others have joined together and assaulted the defacto complainant with the wooden log. The respondent police registered the case for the offence punishable under Sections 341, 294(b), 323, 324, 506(ii) of I.P.C.

6. Considering the nature of offence committed by the petitioner, since the person who sustained injury in the alleged occurrence discharged from the hospital, custodial interrogation may not be necessary for completing the investigation.

7. Taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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 District Munsif cum Judicial Magistrate, Pallipattu, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 15 days;

(e) the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/02/2022

WEB COPY

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
PALLIPATTU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.S.C.VISHWANTH Advocate on payment of necessary charges

CRL OP.1841/2022

Date :10/02/2022

INBA~16/02/2022