



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2403 of 2022

WEB COPY

1. Thennarasu
2. Rathan @ Dharanidharan

...Petitioners

Vs.

State rep. by
The Inspector of Police,
Mangalapuram Police Station,
Namakkal District.
(Crime No.16 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in concerned in Cr.No.16 of 2022, on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

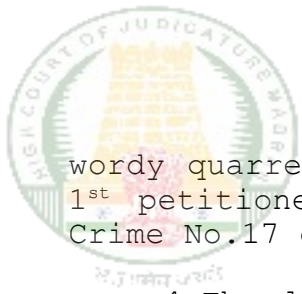
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 294(b), 323, 324 & 506(ii) of IPC in Cr.No.16 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, when the defacto complainant returned back to his home around 7.00 clock, the 2nd petitioner and 1st petitioner's brother were drinking alcohol in their street side, the same was questioned by the defacto complainant and went away from that place. After that, at around 9.00 clock, he returned back the street, the petitioners and the other accused were waylaid the de facto complainant and abused him in filthy language and attacked with hands and wooden log and escaped from the spot. Hence the complaint.

3.The learned counsel appearing for the petitioners submits that de facto complainant was came on drunken mood, he was only abusing a filthy language and attacking minor boy of the 1st petitioner's brother, it was questioned by the petitioners, at that time, some



wordy quarrel arose between them and attacking each other, hence the 1st petitioner given a counter complaint and FIR was registered in Crime No.17 of 2022.

4.The learned Government Advocate (Crl.Side) submits that there was a case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that there was a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

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, Rasipuram, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners and the sureties shall affix their 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 petitioners shall report before the respondent police every Saturday at 10.30a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(c)the petitioners shall not tamper with 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 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;



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

-sd/-

03/02/2022

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,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges sr.1819

CRL OP.2403/2022

Date :03/02/2022

RVR 11/02/2022