



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

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2986 of 2022

1 CHANDRU
2 AYYAVU @ SENTHILKUMAR
3 PRAKASH @ SIVAPRAKASAM

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.
CR.NO.44 OF 2022.

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN Advocate

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

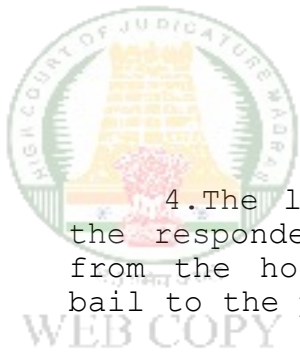
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under section 294(b), 323, 324, 506(2) of IPC in Crime No.44 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Manikandan, friend of defacto complainant and one Janapriya were in love with each other and got married. The said Janapriya is the relative of the petitioners. Hence, the petitioners abused the defacto complainant in filthy language and assaulted him. Hence, the defacto complainant sustained injuries. Thereby, the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that the defacto complainant sustained only simple injuries. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the injured person has been discharged from the hospital and that the averment found in the F.I.R discloses the fact that there is a family dispute between the parties, custodial interrogation is not necessary in this case. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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 No.5, Salem, on condition that the petitioners shall execute a bond 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 and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for 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.

WEB COPY

-sd/-

08/02/2022

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,
NO.5, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.2986/2022

Date :08/02/2022

RVR 15/02/2022