



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.2576 of 2022

1 NAGAMANI @ RAGUMANI

[PETITIONERS / ACCUSED]

2 THAIE @ POONGODI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
NAGAVALLI POLICE STATION,0
SALEM DISTRICT.
(CRIME NO.34/2022)

For Petitioner : M/S.C.DEEPAK KUMAR 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 sections 294(b), 324 of IPC, in Crime No.34 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners attacked the defacto complainant by using wooden log and also threatened by using the abusive languages. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submit that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that in the alleged occurrence, the person who sustained injuries has been discharged from the hospital. He further submit that there is no previous cases pending against the



petitioners and the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Submissions made by the learned Counsels appearing for either sides are considered.

6. The present case has been registered against for the offence punishable under sections 294(b), 324 of IPC. Admittedly, the injured person who sustained injuries has been discharged from the hospital after ill-treatment. Hence, custodial interrogation may not be necessary for completing the investigation in this case.

7. Taking all the aspects into consideration, 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 Judicial Magistrate Court No-1, Mettur 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 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 10.00 a.m., for a period of fifteen 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 petitioner in accordance with law as if the conditions have 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;



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

WEB COPY

-sd/-

10/02/2022

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.I, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2576/2022

Date :10/02/2022

CSK 16/02/2022