



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

Tuesday, the Eighth day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION Nos.2911 & 2913 of 2022

1 CHANDRASEKARAN
2 VEERAMANI
3 PORKAIVEL
4 ARUVALAGAN
5 PADMANATHAN

[PETITIONERS / ACCUSED
IN CRL.O.P.2911 of 2022]

1 MARIMUTHU
2 SURESH KUMAR @ SURESH
3 ARUL CHINNARAJA @ RAJA

[PETITIONERS / ACCUSED
IN CRL.O.P.2913 of 2022]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.23/2022

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.R.KARTHIKEYAN Advocate [IN CRL.O.P.2911 of 2022]

For Petitioner : M/S.N.K.PONRAJ Advocate [IN CRL.O.P.2913 of 2022]

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in both Crl.O.P's, who apprehend arrest for the alleged offences under sections 147,447,427,294(b),323 and 506(I) of IPC, in Crime No.23 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in both Crl.O.P's is that due to previous enmity, the petitioners along with other accused had abused the defacto complainant in filthy language and attacked him. Thereby the defacto complainant sustained simple injuries. Hence the complaint was registered before 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 the person who sustained injuries during the alleged occurrence also been discharged from the hospital. He further submit that there is no previous case pending against the petitioners and also submitted that investigation almost completed. However, he opposed grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the FIR placed on records.

6. In view of the above submissions made by the learned Counsels appearing for either sides and also considering the fact that the offence committed by the petitioners are not severe and that the injured person had been discharged from the hospital, custodial interrogation may not be necessary for completing the investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Nannilam, Tiruvarur on condition that the petitioner 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 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 on every 10.30 a.m., until further orders.

(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.

-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,
NANNILAM, TIRUVARUR.

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

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.2124

+1 CC to M/S.N.K.PONRAJ Advocate on payment of necessary charges SR.NO.2125

CRL OPS.2911 & 2913/2022

Date :08/02/2022

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