



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3118 of 2022

1 PALANI [PETITIONERS / ACCUSED]
2 MANIKANDAN
3 NATESAN
4 SWAMYNATHAN
5 SENTHILKUMAR

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.
(CR.NO.82 OF 2022)

For Petitioner : M/S.K.GANDHI 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 apprehends arrest for the alleged offences under sections 143, 448, 294(b), 323 and 506(i) of IPC., in Crime No.82 of 2022, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that due the family dispute, the petitioners and other accused in this case had abused the defacto complainant by using the filthy language, assaulted with hands and legs and threatened with dire consequences. Hence the law enforcing agency registered a case against these petitioners.

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 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 petitioners.

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 143, 448, 294(b), 323 and 506(i) of IPC. Admittedly, the injured person who sustained injuries has been discharged from the hospital after 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.

8.Accordingly, the petitioners are 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 Judicial Magistrate I, Villupuram on condition that the petitioners 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner 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;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., untill further orders.

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

(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 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;

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

-sd/-

09/02/2022

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, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.No.2151

CRL OP.3118/2022

Date :09/02/2022

CSK 17/02/2022