

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3384 of 2022

1 KARTHICK
2 NANDHAKUMAR
3 SANTHOSH
4 RAMACHANDRAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.30 OF 2022)

[RESPONDENT]

For Petitioner : M/S.A.S.PRABU 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), 323 and 506(i) of IPC in Crime No.30 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 14.01.2022 at about 4.30 a.m., when the defacto complainant was going away from his house, due to previous enmity, the petitioners abused him in filthy language, attacked and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the person who sustained injuries during the alleged occurrence has been discharged from the hospital. Hence, he prays for Anticipatory Bail to the petitioners.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent would submit that the person who sustained injuries during the alleged occurrence has been discharged from the

hospital. He further submit that there is no previous case pending against the petitioners and also submitted that the investigation is almost completed. However, he opposed grant of anticipatory bail to the petitioners.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered the case against the petitioners for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and as of now, the person who sustained injury, after completing the treatment he is discharged from the hospital. Therefore, 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 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, Rasipuram on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 10.00 a.m. for a period of 15 days and thereafter, as and when required for investigation.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
11/02/2022

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 DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.A.S.PRABU Advocate on payment of necessary charges
SR.NO.2231

CRL OP.3384/2022

Date :11/02/2022

INBA~16/02/2022