



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.3199 of 2022

PARAMASIVAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
JEDARPALAYM POLICE STATION,
NAMAKKAL.
CRIME NO.381 OF 2021

[RESPONDENT]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

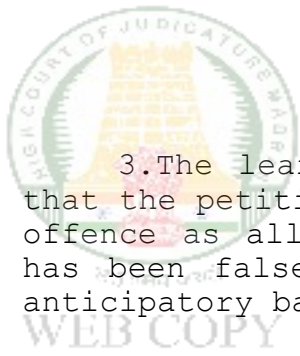
For Respondent : MR.S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 294(b), 324, 506(ii) of IPC, in Crime No.381 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police upon receiving the intimation from the Namakkal Government Hospital, the defacto complainant given a statement that there is a prevailing water drawing right in a public well, which is common for both the families of the petitioner as well as to is father's brother and the same is jointly enjoyed by both the parties. while things remain so, the petitioner's father intimated to his brother about the damage in the said well and asked him to share the expenses for the same. During the course of conversation, wordy quarrel arose between them converted to altercation, wherein petitioner interfered and attacked the defacto complainant and thereby he sustained injuries. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that he has been falsely implicated in this case and pleads for grant for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent raised objection stating that the investigation is still pending. However, he admits that the person who sustained injury in the alleged occurrence has discharged from the hospital after completing treatment.

5. The submissions made by the learned Counsel appearing for either sides are considered. It is alleged that at the time of occurrence the petitioner assaulted the defacto complainant. Hence, the respondent police registered the case for the offence punishable under Sections 294(b), 324, 506(ii) of IPC

6. Considering the nature of offence committed by the petitioner, since the person who sustained injury in the alleged occurrence discharged from the hospital, the question of custodial interrogation may not be necessary for completing the investigation.

7. Hence, taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is 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 Learned Judicial Magistrate, Paramathi, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

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



(d) the petitioner 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 interrogation.

(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 has 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/-
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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JEDARPALAYM POLICE STATION,
NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.2191

CRL OP.3199/2022

Date :10/02/2022

JPA 16/02/2022