



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.3228 of 2022

ARULPRAHASPATHI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.1379/2021.

[RESPONDENT]

For Petitioner : M/S.B.MOHAN Advocate

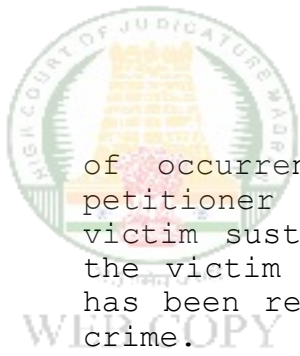
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 326, 324 and 506(2) of I.P.C., in Crime No.1379 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the nephew of the victim. The petitioner and the victim are friends. Victim was worked at SM Tool for the past two years. Due to dislike of his work, the victim left his job and joined in another company as Cooling Engineer. While so, on 21.12.2021, at about 9.00 p.m., the victim called the defacto complainant through phone and informed that the petitioner attacked him and due to which, he sustained injury on his leg and hand. The defacto complainant enquired with the victim and came to know that the accused loved on girl in his village and the accused thought that the victim used to contact the said girl. by thinking so, the accused abused the victim by using filthy language. Due to which, the victim blocked the number of the petitioner. The petitioner contacted the victim through another phone and asked the victim to come to the occurrence place. The victim went to the place



of occurrence along with his friend Nikhil. At that time, the petitioner assaulted the victim by using knife, due to which the victim sustained injury on his hand and leg. After the occurrence, the victim was admitted in Ganga Hospital. 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 are innocent persons and they have falsely implicated in this case. He would further submits that the petitioner and defacto complainant are friends and at the time of occurrence due to wordy quarrel both of them were assaulted with each other. According to him the person who sustained injury in the alleged occurrence have been discharged from the hospital and hence he pleads for grant for anticipatory bail to the petitioner.

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

5. The submissions made by the learned Counsel appearing for either sides are considered. The case has been registered for the offence punishable under Sections 294(b), 326, 324 and 506(2) of I.P.C., some of the accused are also granted with anticipatory bail. Admittedly the injured was discharged from the hospital.

6. Therefore, taking all the above aspects into consideration and having regard to the nature of offence committed by the petitioner, this court came to the conclusion that custodial interrogation may not be required for the investigation. Hence, this Court inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is 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 No.2, Coimbatore**, 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 not tamper with evidence or witness either during investigation or trial;



(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation;

(d) the petitioner 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 are 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/-
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.2, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.B.MOHAN Advocate on payment of necessary charges

CRL OP.3228/2022

Date :10/02/2022

TA-24/02/2022