



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.3162 of 2022

1 GIRIDHARAN
2 SELVAKUMAR
3 VIJAYAKANTH
4 PRABHAKARAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM CITY, SALEM DISTRICT.
CRIME NO.22/2022.

[RESPONDENT]

For Petitioner : M/S V.RAMANAREDDY 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, 324 and 506(2) of I.P.C., in Crime No.22 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.01.2022, the defacto complainant went for a nature's call near to the Kottagoundampatti Railway bridge and while at the time he returning to home at 9.30 p.m., near Panchayat Mini water tank. The petitioners scolded the defacto complainant in filthy language and assaulted him with hands and stones, also threatened him with dire consequences. Hence the present case has been registered by the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have falsely implicated in this case. He would further submits that the petitioners 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 has 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), 323, 324 and 506(2) of I.P.C., some of the accused are granted with anticipatory bail. Admittedly the injured was discharged from the hospital. 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 petitioners.

8. 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, No. II, at Salem, on condition that the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of 15 days;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

-sd/-

10/02/2022

WEB COPY

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.II,
SALEM.

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

3 THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM CITY, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S V.RAMANAREDDY Advocate on payment of necessary charges SR.NO.2173

CRL OP.3162/2022

Date :10/02/2022

INBA~17/02/2022