



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.3256 of 2022

JANI @ JAYACHANDRAN

[ PETITIONER / ACCUSED ]

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
T-9, PATTABIRAM POLICE STATION,  
CHENNAI  
CRIME NO.126 OF 2022

[ RESPONDENT ]

For Petitioner : M/S.N.SURIYAMUTHU Advocate

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

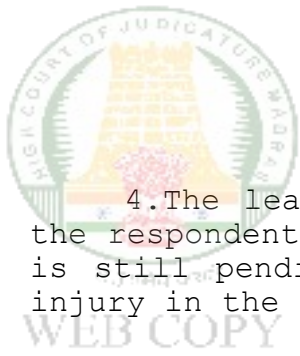
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 323, 341 and 506(2) of I.P.C., in Crime No.126 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.01.2022, when the defacto complainant was cleaning the vacant plot at Pattabiram, Thandurai Village, the petitioner abused the defacto complainant and the JCB driver in filthy language and kicked the defacto complainant repeatedly and subsequently the injured was admitted in the 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 is an innocent person and he has been falsely implicated in this case. According to him the person who sustained injury in the alleged occurrence has discharged from the hospital and hence he pleads for grant of 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, 341 and 506(2) of I.P.C. 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 necessary 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. II, Thiruvallur, 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 15 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;



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

WEB COPY

-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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
T-9, PATTABIRAM POLICE STATION,  
CHENNAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.N.SURIYAMUTHU Advocate on payment of necessary charges SR.NO.2170

CRL OP.3256/2022

Date :10/02/2022

JPA 16/02/2022