



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.3221 of 2022

RAMESH

[ PETITIONER / ACCUSED ]

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
KONDALAMPATTI POLICE STATION,  
SALEM DISTRICT.  
CRIME NO.676 OF 2021

[ RESPONDENT ]

For Petitioner : M/S.E.ARUN KUMAR Advocate

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

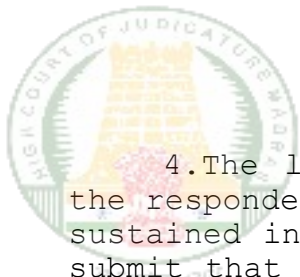
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 324 of IPC, in Crime No.676 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the brother of the defacto complainant. Due to family dispute, the petitioner attacked the defacto complainant. Thereafter, the defacto complainant sustained simple injuries. Hence the complaint was lodged by the defacto complainant before the Law Enforcing Agency.

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



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that in the alleged occurrence, the person who sustained injuries has been discharged from the hospital. He further submit that there is no previous cases pending against the petitioner and the investigation is pending. However, he opposed grant of anticipatory bail to the petitioner.

5. Submissions made by the learned Counsels appearing for either sides are considered and perused the FIR placed on records.

6.The present case has been registered against the petitioners for the offence punishable under sections 294(b), 324 of IPC. Admittedly, the injured person who sustained injuries has been discharged from the hospital. Hence, custodial interrogation may not be necessary for completing the investigation in this case.

7. Taking all the aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Judicial Magistrate Court-V, Salem 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 daily at 10.00 a.m., for a period of fifteen days and thereafter 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 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;

