



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3326 of 2022

CHARLES @ SRIRAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
RAMANATHAPURAM POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO. 99/2022.

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI 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), 323, 307 and 506(II) of I.P.C. in Crime No.99 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and his brother were in the TASMAR Bar, the petitioner and the other accused persons asked for a water bottle, which was refused by the defacto complainant. Therefore, they abused with filthy language and left the place. Thereafter, when the defacto complainant went away from the Bar, the petitioner and the other accused persons interrupted and attacked him and his brother with knife and deadly weapons, thereby both of them got injury and were admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in the alleged occurrence, the defacto complainant sustained only simple injury and as of now, he is discharged from the hospital. It is his specific submission that during the relevant point of time, the petitioner was not having any intention to kill the defacto complainant as well as he was not having



any knowledge as the weapon used by him would cause death of the defacto complainant.

4. Mr.S.Santhosh, Government Advocate (Crl.Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that the person who sustained injury in the alleged occurrence was discharged from the hospital.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered the case as against the petitioner and two others for the offences punishable under Sections 294(b), 323, 307 and 506(II) of I.P.C. Though the offence under Section 307 of I.P.C. is serious one, the injured sustained only simple injury and now he is discharged from the hospital. In otherwise, the petitioner is the first time offender. Further, being the reason that the injured is already discharged from the hospital, the question of custodial interrogation may not be necessary for completing investigation. Hence, taking note of 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.

7. 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-VI, 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 report before the respondent police daily at 10.30 a.m. until further orders.

(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;

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

-sd/-

11/02/2022

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-VI,
COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
RAMANATHAPURAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.2258

CRL OP.3326/2022

Date :11/02/2022

INBA~16/02/2022