

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3465 of 2022

1 N.MUNIRAJ @ SAKTHIVEL
2 N.RAMESH
3 NATESAN
4 CHINNAPAIYAN

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
MAHENDRAMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.
CRIME NO.5 OF 2022

[RESPONDENT]

For Petitioners : M/S. T.DHASARATHAN 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 petitioners, who apprehend arrest for the alleged offences under section 341,294(b),323,324 and 506(1) IPC, in Crime No.5 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. There was a land dispute in between them, due to which they attacked each other and as a result of which, the defacto complainant sustained head injuries. 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 not committed any offence as alleged by the prosecution. He further submitted that they have been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioners.

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

5. The submissions made by the learned Counsel appearing on either sides are considered. It is alleged that at the time of occurrence the petitioners have joined together and assaulted the defacto complainant. The respondent police registered the case for the offence punishable under Sections 341,294(b),323,324 and 506(1) IPC.

6. Considering the nature of offence committed by the petitioners, and also since the person who sustained injury in the alleged occurrence has been discharged from the hospital, custodial interrogation may not be necessary for completing the investigation.

7. Therefore, taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Pappireddipatti, 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 petitioners 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 10.00 a.m. for a period of 15 days and thereafter as and when required for interrogation;

(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 has been imposed and the petitioners 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/-
14/02/2022

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,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MAHENDRAMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.DHASARATHAN Advocate on payment of necessary charges SR.NO.2325

CRL OP.3465/2022

Date :14/02/2022

JPA 18/02/2022