



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3468 of 2022

IN CRL.M.P.NO.2141 of 2022

1 DURAIBHARATHI
2 KANNAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.42/2022.

[RESPONDENT]

M.MAGESH

[PETITIONER /DEFACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 21.02.2022 IN CRL.MP.2141/
2022 IN CRL.O.P.NO.3468/2022]

For Petitioner : M/S. SWAMISUBRAMANIAN Advocate

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

For Intervener : M/S.S.SATHISH, Advocate

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), 324 & 506(ii) of IPC** in Crime No.42 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners and other accused attacked the defacto complainant with wooden log and abused him in filthy language, also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submits that due to previous dispute, this false case has been foisted as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However he fairly admits that the person who sustained injury is now discharged from the hospital after completing treatment. Further he would admit that the petitioners are the first offenders.

5. Submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 324 & 506(ii) of IPC. Admittedly, the injured discharged from the hospital and there is no previous case as against the petitioners.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioners, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioners may not be necessary in this case. Hence, 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 No.II, Mannargudi, Thiruvarur District**, on condition that each of 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 report before the respondent police daily at 10.30 a.m., for a period of fifteen (15) days and thereafter, as and when required for investigation.



(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/02/2022

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, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PARAVAKOTTAI POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.2705

CRL OP.3468/2022

Date :21/02/2022

TA-24/02/2022