



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.3446 of 2022

1 DEVADOSS [PETITIONERS / ACCUSED]
2 SATHISHKUMAR
3 JOHN PANDIAN

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO. 32/2022

For Petitioner : M/S. D.PADMANABHAN 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 petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 324, 506(2) and 427 of IPC in Crime No.32 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners entered into the defacto complainant's house and abused her, family members in filthy language and also attacked them, due to which the defacto complainant's husband sustained injury. Hence, the present case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the defacto complainant and the petitioners had a wordy quarrel for which, the



petitioners also lodged complaint as against the defacto complainant before the respondent Police and it is pending. Hence, he prays for Anticipatory Bail to the petitioners.

4. The Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that it is a case of case in counter. He further submitted that the defacto complainant's husband discharged from the hospital.

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

6. The respondent police registered the case against the petitioners for the offences punishable under Sections 294(b), 324, 506(2) and 427 of IPC. Admittedly, the defacto complainant and the petitioners are residing in the same locality. Further, the injured discharged from the hospital and it is a case of case in counter.

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-II, Manargudi, 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 10.00 a.m., for a period of fifteen (15) days and thereafter as and when required for interrogation.

(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 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 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, MANARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.PADMANABHAN Advocate on payment of necessary charges SR.NO. 2677

CRL OP.3446/2022

Date :21/02/2022

RW 23/02/2022