



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

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3673 of 2022

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.
CRIME NO. 11/2022

[RESPONDENT]

For Petitioner : M/S.C.ANBU Advocate

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

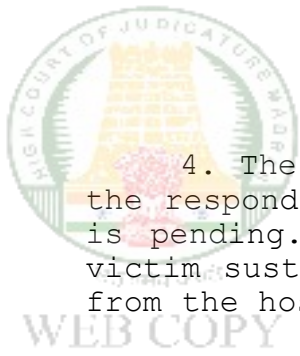
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 294(b), 324, 506(ii) and 307 of I.P.C. r/w. Section 4 of TNPHW Act, in Crime No.11 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the alleged civil dispute over the property, the petitioner along with three other persons have assaulted the victim with wooden log and iron rod and thereby the victim sustained injury and admitted in the hospital. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused.

3. The learned counsel appearing 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 the person, who sustained injury in the alleged occurrence has been discharged from the hospital after taking treatment. It is his further submission that the other accused were already enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that in the alleged occurrence, the victim sustained only simple injury and as of now, he was discharged from the hospital after taking treatment.

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

6. The respondent police registered a case against the petitioner for the offences punishable under sections 294(b), 324, 506(ii) and 307 of I.P.C. r/w. Section 4 of TNPHW Act. Though the offence under Section 307 has been registered against the petitioner, the averments found in the First Information Report would disclose the fact that the alleged occurrence that happened is due to the land dispute. In other words, the victim sustained only simple injuries and now discharged from the hospital. Therefore, custodial interrogation may not be necessary for completing the investigation.

7. 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.

8. 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, Gudiyatham, 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 their 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., 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;

WEB COPY

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

-sd/-

16/02/2022

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,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.ANBU Advocate on payment of necessary charges
SR.No.2434

CRL OP.3673/2022

Date :16/02/2022

CSK 21/02/2022