



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.3756 of 2022

1 BALU

[PETITIONERS / ACCUSED]

2 NAGALAKHSMI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
M5, ENNORE POLICE STATION,
CHENNAI DISTRICT.
CRIME NO. 123 OF 2022.

For Petitioner : M/S. S.SILAMBUSELVAN 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), 323 of IPC, r/w Sec 4 of TNPWH Act, in Crime No.123 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours, there was a dispute in between them with regard to money transactions. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no case has been registered against the second petitioner. In respect of the first petitioner, he raised objection stating that the investigation is pending. However, he admits that, the person who sustained injuries during the alleged occurrence discharged from the hospital after completing treatment.

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

6. Considering the submissions made by the learned Counsels on either sides and considering the fact that as against the second petitioner, no case has been registered, this Criminal Original Petition is dismissed in respect to the second petitioner.

7. In respect of the first petitioner, the respondent police registered the case as against the petitioner for the offences punishable under sections 294(b), 323 of IPC, r/w Sec 4 of TNPWH Act. Further, among the said provisions except Section 4 of Tamil Nadu Prohibition of Harassment and Women Act, 2002, the other offences are bailable in nature. In other words, being the reason that the persons who are all sustained injuries are discharged from the hospital and therefore, custodial interrogation may not be necessary for completing the investigation.

8. Taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioners.

9. Accordingly, the first petitioner is 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, Thiruvottiyur 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 first 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the first petitioner shall report before the respondent police daily at 10.00 a.m. for a period of thirty(30) 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/-

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,
THIRUVOTTIYUR, THIRUVALLUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
M5, ENNORE POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.SILAMBUSELVAN Advocate on payment of necessary charges SR.NO. 2435

CRL OP.3756/2022

Date :16/02/2022

RW 22/02/2022