



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.4196 of 2022

CHINNADURAI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU REP BY,
THE SUB INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
KUNNAM, PERAMBALUR DISTRICT.
(CRIME NO.723/2021)

[RESPONDENT]

For Petitioner : M/S.P.MANI 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 offence under Sections 294(b), 307, 324 and 506(ii) of IPC in Crime No.723 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint alleging that on 16.09.2021, when her husband and son went to the field, the petitioner and other accused persons attacked him with deadly weapons and caused grievous injuries. They also threatened her husband with dire consequences.

3.The learned counsel 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 due to property dispute, the alleged occurrence had happened and the co-accused in this case are already enlarged on bail. Hence, he pleads for anticipatory bail to the petitioner.

4. Mr.S.Santhosh, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that investigation is pending. However he fairly conceded that the person



who sustained injury in the alleged occurrence was discharged from the hospital after completing treatment.

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

6. The respondent police registered a case against the petitioner and others for the offences punishable under Sections 294(b), 307, 324 and 506(ii) of IPC. Admittedly the injured was discharged from the hospital. Other accused are also enlarged on bail. Further, the portion of investigation has been completed. Therefore in the said circumstances, custodial interrogation of the petitioner may not be necessary for completing investigation in this case.

7. Hence, taking note of all the above said aspects in to consideration and also the facts and circumstances of the case, 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 Judicial Magistrate No.II, Perambalur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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 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 petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation.

(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;



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

WEB COPY

-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, PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KUNNAM POLICE STATION, KUNNAM,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.MANI Advocate on payment of necessary charges
SR.No.2691

CRL OP.4196/2022

Date :21/02/2022

CSK 28/02/2022