



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.4200 of 2022

1 N.MUNEESHWARAN
2 M.ALEX PANDIAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
THIYAGADURGAM POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.600/2021.

[RESPONDENT]

For Petitioner : M/S.K.PRABHAKARAN, 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 at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 323, 448, 307 IPC and 3(1) of TNPPDL Act in Crime No.600 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one, Sargunam while riding his vehicle towards Thiyagadurgam, the mini bus bearing registration No.TAL 7340 came in opposite direction. At that time the driver of the bus scolded him in filthy language. Thereafter, the defacto complainant questioned about the same, but the driver and conductor scolded and beaten them. Then, at 08.45 p.m., the petitioners along with other accused persons trespassed into the defacto complainant's house, damaged the vehicle and household articles and also assaulted them. Hence, the Law Enforcing Agency registered a case against the petitioners and others.

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. He would further submit that the other



accused in this case are all enlarged on bail and as of now, investigation is completed. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However he admits it is a case of case in counter, wherein both persons who are on either side sustained injury.

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

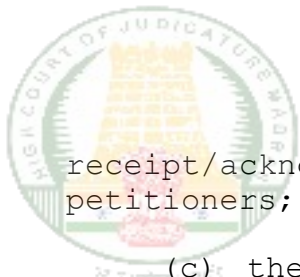
6. The respondent police registered a case against the petitioners and others for the offence punishable under Sections 147, 148, 294(b), 323, 448, 307 IPC and 3(1) of TNPPDL Act. As of now, other accused are all secured and released on bail. Portion of investigation has been completed. Though the portion of the investigation has been completed, the value of the property which was damaged during the time of occurrence have not been recovered by the respondent police. So in the said circumstances, for completing investigation custodial interrogation of the petitioners may not be necessary in this case.

7. Hence, taking into consideration of all the above said aspects into consideration and also the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following 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 SC & ST Act Special Court at Villupuram on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each) 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) (each) to the credit of Cr.No.600 of 2021 (on the file of the respondent police) before the SC & ST Act Special Court at Villupuram, under necessary receipt. The above deposit is made without prejudice to their defence before the trial court and the petitioners shall submit proof of deposit of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the



receipt/acknowledgment shall accept the sureties furnished by the petitioners;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) 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 SC & ST ACT
SPECIAL COURT AT VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
THIYAGADURGAM POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S.A.NIRMALKUMAR Advocate on payment of necessary charges SR.NO. 2771

CRL OP.4200/2022

Date :21/02/2022

RW 25/02/2022