



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4088 of 2022

1 S.VISWANATHAN [PETITIONERS / ACCUSED]
2 P.SUMATHI
3 V.VELUSAMY
4 V.DEVI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.
(CRIME NO.1124/2021)

For Petitioner : M/S P.KALIMUTHU 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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 323, 506(i) of IPC in Crime No.1124 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners on 02.10.2021 due to previous enmity, abused the defacto complainant and her family members by using filthy language and also threatened them with dire consequences. They also assaulted the defacto complainant and her family members, thereby caused injuries to them. Hence, the law enforcing agency registered a case against the petitioners.

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 persons who sustained injuries in the alleged occurrence have been discharged from the hospital. Hence, he prays for Anticipatory Bail to the petitioners.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the persons who sustained injuries in the alleged occurrence have been discharged from the hospital. He further submitted that there is no previous case pending against the petitioners and also the investigation is completed. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 147, 294(b), 323, 506(i) of IPC and as of now, the persons who sustained injury, after completing the treatment, discharged from the hospital. Therefore, considering the fact that the offence committed by the petitioners are not severe and that the injured persons had been discharged from the hospital, custodial interrogation of the petitioners may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Kangeyam, 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:

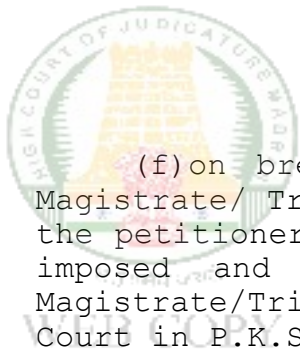
(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

(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/-

18/02/2022

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,
KANGEYAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANGEYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.4088/2022

Date :18/02/2022

CSK 23/02/2022