



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.4236 of 2022

DINESH

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
THIRUPATHUR DISTRICT.
(CRIME NO.51 OF 2022)

[RESPONDENT]

For Petitioner : M/S.R.PARTHIBAN Advocate

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

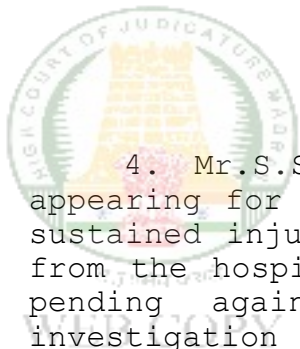
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 506(ii) of IPC r/w Section 4 of TNPHW Act in Crime No.51 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that on 13.02.2022 at 10.00 a.m., the petitioner along with other accused abused the defacto complainant with filthy language and attacked with iron rod. Hence, the Law Enforcing Agency registered a case against the petitioner.

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 the person who sustained injuries during the alleged occurrence has been discharged from the hospital. Hence, he prays for Anticipatory Bail to the petitioner.



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

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

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC r/w Section 4 of TNPHW Act and as of now, the person who sustained injury, after completing the treatment, discharged from the hospital. Therefore, considering the fact that the offence committed by the petitioner are not severe and that the injured person had been discharged from the hospital, custodial interrogation of the petitioner may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Court No.I, Thirupathur 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 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 15 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.

-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.I, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges
SR.No.2675

CRL OP.4236/2022

Date :21/02/2022

CSK 25/02/2022