



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4381 of 2022

1.RAJADURAI [PETITIONERS/ACCUSED 1-5]
2.RAJASEKAR
3.VENDAMMARTHAM
4.JAYANTHI
5.DURAI KANNU

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.108/2022)

For Petitioner : M/S.C.MOHANRAJ Advocate

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

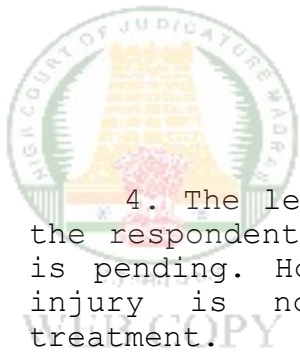
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 147, 148, 294(b), 323, 324 & 506(ii) of IPC., in Crime No.108 of 2022, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners abused the defacto complainant in filthy language, assaulted him and caused injuries. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submits that due to previous dispute, this false case has been foisted as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police raised objection stating that the investigation is pending. However he fairly admits that the person who sustained injury is now discharged from the hospital after completing treatment.

5. 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, 148, 294 (b), 323, 324 & 506(ii) of IPC. Admittedly, the injured discharged from the hospital.

7. Taking all the above aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate, Gingee, Villupuram District 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 the period of 30 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/-

25/02/2022

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,
GINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges
SR.No.2992

CRL OP.4381/2022

Date :25/02/2022

CSK 02/03/2022