



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4736 of 2022

1 GOVINDARAJI
2 GOVINDARAJU
3 MATHAIYAN
4 GOWRISHANKAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
MECHARI POLICE STATION,
SALEM DISTRICT.
CRIME NO.79 OF 2022.

[RESPONDENT]

For Petitioner : M/S.D.LAKSHMIPATHY 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 offence punishable under Section 294(b), 324 and 506(ii) of IPC in Crime No.79 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The date of occurrence is 14.02.2022. The respondent police has registered a complaint against the petitioners herein based on the complainant given by one Maheshwari, wife of Nataraj, alleging that due to dispute with the petitioners herein regarding the use of Water Channel. It is alleged that on 14.02.2022, there was a fight between the petitioners' family members and the defacto family members, in which, the petitioners assaulted the defacto complainant family members and caused grievous injury and also abused them with filthy language.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that it is the case in counter and this complaint was given belatedly on 17.02.2022 for the alleged offence occurred on 14.02.2022. The content of the complaint is embellished with falsehood and contra to the incident occurred on 14.02.2022, wherein the petitioners sustained injury.

4. Taking note of the fact that the Petitioners and the defacto complainant are neighbours and due to some misunderstanding, the occurrence had taken place. Hence this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Mettur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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.

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the petitioners shall report before the Investigation Officer daily at 10.30 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 himself 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

28/02/2022

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, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MECHARI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary charges SR.NO. 3030

CRL OP.4736/2022

Date :28/02/2022

RW 07/03/2022