



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4815 of 2022

1 S.DIVAKAR [PETITIONERS / ACCUSED]
2 E.MANIKANDAN
3 J.JUSTIN SANTHOSH KUMAR

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.
CRIME NO.49 OF 2022.

For Petitioner : M/S.SWAMI SUBRAMANIAM Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest by the respondent police in connection with the case registered in F.I.R.,No.49 of 2022 on 21.02.2022 before this Court seeking anticipatory bail.

2. For attacking the defacto complainant with steel pipe and wooden log in the fight arose between the petitioners and the defacto complainant in view of previous enmity, a case has been registered against the petitioners for the offenses under Sections 448, 294 (b), 324, 354 and 506(ii) of I.P.C.

3. The learned counsel appearing for the petitioners submits that the case in counter and the third petitioner herein, in fact the actual victim, had been injured and admitted in the hospital as in-patient for more than five days. The case has also been registered against the defacto complainant in Crime No.50 of 2022.



4. Learned Government Advocate (Crl.side) submits that the arrest of the petitioners are not contemplated and it suffices the petitioners to cooperate with the investigation.

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5. Recording the same, this court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate** on condition that 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 **learned Judicial Magistrate -1, Ulundurpet** failing which the anticipatory bail shall stand canceled 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) the petitioners shall report before the respondent police within seven days from the receipt of a copy of this order and continue to report as and when required for interrogation.

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

(d) the petitioners 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 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;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/03/2022

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, ULUNDURPET, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLAKURICHI DISTRICT.

+1 CC to M/S.SWAMI SUBRAMANIAM Advocate on payment of necessary charges SR.NO.3127

CRL OP.4815/2022

Date :01/03/2022

TA-04/03/2022