



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5714 of 2022

1 SUBRAMANIYAM
2 SAKTHIVEL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPUR DISTRICT.
CRIME NO.62 OF 2022.

[RESPONDENT]

For Petitioners : M/S. C.RAMKUMAR 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 341, 294(b), 323, 324 & 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.62 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners due to previous enmity have attacked the defacto complainant with aruval and wooden log causing the following injuries:-

- (i) Laceration 0.5x0.5x0.5 cm over the right arm.
- (ii) Abrasion 1x1 cm below the right knee.
- (iii) Abrasion 1x1 cm the right ear.



3. The learned counsel appearing for the petitioners states that due to sharing of water from common Well, there was an enmity between the petitioners and the defacto complainant and therefore the present complaint has been filed.

4. However, considering the fact that the defacto complainant had sustained multiple injuries and was admitted in the hospital on 27.02.2022 and discharged on 01.03.2022 after getting treatment for his wound, this Court is of the view that the petitioners shall be granted Anticipatory Bail. Hence, this Criminal Original Petition is allowed subject to certain conditions.

5. 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 Court, Dharapuram 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 petitioner 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;

(b) the petitioners 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;

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

(d) the petitioners shall stay at Coimbatore and report before the Race Course Police Station, Coimbatore daily at 10.30 a.m., until further orders.

(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 has 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/-
11/03/2022

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
RACE COURSE POLICE STATION,
COIMBATORE.

+1 CC to M/S. C.RAMKUMAR Advocate on payment of necessary charges
SR.NO.3879

CRL OP.5714/2022

Date :11/03/2022

JPA 17/03/2022