



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6124 of 2022

1 P.PARAMASIVAM [PETITIONERS / ACCUSED]
2 P.VADIVELU
3 P.SATHASIVAM
4 S.GNANAPRAKASH

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.47 OF 2022)

For Petitioner : M/S.R.SURYAKUMARAN 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 are A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 323 and 506(I) of IPC, in Crime No.47 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The allegation against these petitioners is that these petitioners and two others had quarreled with the defacto complainant in respect of his intimacy with the wife of the first petitioner as a confession in the Village Panchayat on 20.02.2022 and when the Panchayat was going on, these petitioners along with two others have brutally attacked the defacto complainant and used abusive language.



3. The Accident Register indicates swelling injuries over the nose, temporal area, occipital area, upper lip and laceration injury on face indicating that the petitioners attacked the defacto complainant indiscriminately all over his body for him to withdraw the complaint given against them to the Police and not to continue his friendship with the wife of the first petitioner.

4. Considering the fact that the injured defacto complainant is discharged from the hospital and the incident has occurred due to sudden provocation, this Court is inclined to grant anticipatory bail to the petitioners with 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 No II, Namakkal, on condition that each of the petitioners 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 learned Magistrate, 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 stay at Erode and report before the Inspector of Police, Erode Town Police Station, Erode, daily at 10.00 a.m., until further orders.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
16/03/2022

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.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION,
ERODE.

+1CC to M/S.R.SURYAKUMARAN Advocate on payment of necessary charges SR.No.4191

CRL OP.6124/2022

Date :16/03/2022

CSK 22/03/2022