



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

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PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.7128 of 2022

1 MARIYAPPAN
2 NAGIZHENDRAN
3 PUGAZHENDRAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
OMALUR POLICE STATION,
OMALUR, SALEM DISTRICT.
CRIME NO.173 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.PRABUDOSS Advocate

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

For Intervenor : M/S R.RAJESH KRISHNAN Advocate

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 offence punishable under Sections 294(b), 324, 427 & 506(ii) of IPC in Crime No.173 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The petitioners herein are A1, A2 and A3 in Crime No.173 of 2022, wherein the defacto complainant has alleged that due to political rivalry, these petitioners have waylaid his car and broken the windshield of the car and also attacked the defacto complainant with iron rod, thereby causing injury over ribs, forearm and head of the defacto complainant and his companion Murugan.

3.Learned counsel appearing for the petitioners submits that it was a case and case in counter. The defacto complainant along with others attacked the petitioners and only to self defence, they have retaliated.



4. Accident Report copy furnished by the learned Government Advocate (Crl. Side) indicates that the defacto complainant and his companion Murugan had sustained lacerative injury which is simple in nature. Taking note of the fact that they were treated as out patients and discharged, 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, Omalur, Salem District on condition that the petitioner 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 Magistrate concerned and on further conditions that:

(a) 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;

(b) the petitioners shall jointly deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.173 of 2022;

(c) 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;

(d) the petitioners shall stay at Namakkal and report before the Namakkal Police Station daily at 10.30 a.m. respondent until further orders for interrogation;

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;



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

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-sd/-

29/03/2022

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
NAMAKKAL POLICE STATION,
NAMAKKAL

CC to M/S.R.PRABUDOSS Advocate on payment of necessary charges
SR.NO.4796

+1CC to M/S R.RAJESH KRISHNAN Advocate on payment of necessary
charges SR.NO.4709

CRL OP.7128/2022

Date :29/03/2022

RVR 31/03/2022