



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

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7445 of 2022

1 KARUPPAN
2 MATHUSUMATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
POLLACHI WEST POLICE STATION,
POLLACHI,
COIMBATORE.
CRIME NO.123 OF 2022

[RESPONDENT]

For Petitioner : M/S.M.N.BALAKRISHNAN 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 alleged offences under Sections 294(b), 324, 323 and 506(I) of IPC in Crime No.123 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Due to family dispute regarding the elopement of the first petitioner's daughter, the first and second petitioner has restrained the de facto complainant and attacked him with bag containing coconut and caused severe injury.

3. On perusal of the FIR, this Court finds that the injury is caused by the first petitioner and de facto complainant was admitted in the hospital and treated as In-Patient for a period of 6 days.



4. Considering the nature of the injury and the mode of injury caused by the first petitioner, anticipatory bail is not granted for first petitioner. With regard to the second petitioner, who have accompanied the first petitioner at the time occurrence, this Court is of the view that the second petitioner/ A-3 may be granted anticipatory bail.

5. Accordingly, the second petitioner /(A-3) is 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 learned Judicial Magistrate II, Pollachi, 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, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) the second petitioner /(A-3) 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 second petitioner/(A-3) shall report before the Investigating officer 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 second petitioner/ (A-3) 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;

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

-sd/-

31/03/2022

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,
POLLACHI, COIMBATORE DISTRICT.

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

3 THE INSPECTOR OF POLICE,
POLLACHI WEST POLICE STATION,
POLLACHI, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO. 4932

CRL OP.7445/2022

Date :31/03/2022

RW 05/04/2022