



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7783 of 2022

1 KODISHEWARAN @ KODEESWARAN [ PETITIONERS / ACCUSED ]  
2 CHINNATHAYI @ CHINNATHAI  
3 VELLAIYAN @ VELLAIYAGOUNDAR  
4 RAMASAMY

Vs

THE STATE REP BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
THARAMANGALAM POLICE STATION,  
SALEM DISTRICT.  
(CR NO.172/2022)

For Petitioner : M/S.T.GANESAN 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 at the hands of the respondent police for the alleged offence punishable under Sections 143, 294(b), 323, 324 and 506(ii) of IPC in Crime No.172 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Due to path way dispute, physical altercation has occurred on 19.03.2022, wherein, the defacto complainant in Crime No.172 of 2022 and his wife has sustained injuries.

3. The learned counsel for the petitioners would submit that the petitioners have also sustained injuries in the fight and all of them sustained only simple injuries, treated as out patients and discharged.



4. Taking note of the fact that the petitioners herein has purchased the disputed property and has prevented the defacto complainant from using the path way, the incident has taken place. Though the petitioners have also sustained injuries in the fight, it appears that animosity between the two groups still exists and if the petitioners are allowed to stay in the village of occurrence, there can be repetition of the offence. Hence, 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** on condition that each of the petitioners shall execute a separate bonds 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 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 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 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;

(c) **the petitioners shall stay at Mettur and report before the Inspector of Police, Mettur Town Police Station daily at 10.30 a.m., for a period of 30 days, thereafter as and when required;**

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

(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 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;



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

-sd/-

05/04/2022

WEB COPY

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 PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THARAMANGALAM POLICE STATION,  
SALEM DISTRICT.

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

+1 CC to M/S.T.GANESAN Advocate on payment of necessary charges  
SR.NO.5197

CRL OP.7783/2022

Date :05/04/2022

TA-08/04/2022