



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION Nos.7980, 8008 and 8104 of 2022

M.PARTHIBAN	[PETITIONER / ACCUSED in CRL.OP.NO.7980/2022]
1 E.VENKATESAN	[PETITIONERS / ACCUSED
2 UMA	in CRL.OP.NO.8008/2022]
DHANAM	[PETITIONER / ACCUSED in CRL.OP.NO.8104/2022]

Vs

THE STATE REP BY THE INSPECTOR OF POLICE, RANIPET POLICE STATION, RANIPET DISTRICT. (CRIME NO.NOT KNOWN OF 2022)	[RESPONDENT IN ALL THE PETITIONS]
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For Petitioner : M/S.G.SARAVANAN Advocate
[IN CRL.OP.NOs.7980 & 8008/2022]

For Petitioner : M/S.M.ASHOK KUMAR, Advocate
[IN CRL.OP.NO.8104/2022]

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in the above petitions, who apprehend arrest for the alleged offence under Sections 294(b), 323, 324 and 506(ii) I.P.C. in Crime No.not known of 2022, on the file of the respondent police, seek anticipatory bail.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. From the complaint, this Court finds that due to dispute regarding sharing of water from the common well between the brothers, the first petitioner in Crl.O.P.No.8008 of 2022 by name Venkatesan, had broken the water pipeline of the defacto complainant on 27.03.2022. In this connection, on 30.03.2022, when the defacto complainant was supposed to give a complaint, the family members of the said Venkatesan had attacked the defacto complainant with bricks and wooden log causing lacerated wound near the leg, ear and soft tissue injuries all over the body. For the incident took place on 30.03.2022, F.I.R. has been registered based on the complaint dated 03.04.2022.

4. Learned counsel for the petitioners would submit that in fact, the defacto complainant was the aggressor, who came to the house of the petitioners and misbehaved with the lady members and that was questioned by the other members of the family. In the said dispute, the defacto complainant fell down and sustained injury.

5. However, from the reading of the complaint and the A.R., this Court finds that the injuries found and noted by the doctor in A.R. could not have been happened by the accidental fall. The defacto complainant has sustained cut injury near his ear and 18 stitches were done to treat the injury. The injured victim after being treated as inpatient for three days, was discharged and thereafter, given the complaint. Though it is seriously argued on the point of delay in filing the F.I.R, taking note of the fact that the defacto complainant and the petitioners are relatives and the defacto complainant has concentrated to take treatment for his injury and after discharge from the hospital has given Complaint. The tell tale evidence by way of A.R issued by the Government Headquarters Hospital, Walaja, indicates the nature of the injury sustained by the defacto complainant. Further reading of the F.I.R also indicates that the said injury was caused by one Parthiban, who is the petitioner in Crl.O.P.No.7980 of 2022, with the support of the first petitioner Venkatesan in Crl.O.P.8008 of 2022.

6. On a cumulative reading of the material placed before this Court, this Court dismiss the petition for anticipatory bail filed by M.Parthiban, who is the petitioner in Crl.O.P.7980 of 2022.

7. As far as the petitioners in Crl.O.P.No.8008 of 2022 and 8104 of 2022 are concerned, the overtact attributed had caused only simple injuries and therefore this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions. Accordingly, the petitioners in Crl.O.P.No.8008 of 2022 and 8104 of 2022 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 District Munsif cum Judicial Magistrate, Ranipet, Ranipet District, on condition that the each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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) 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;

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

(c) the petitioners shall report before the Investigating Officer daily at 10.30 a.m. until further orders;

(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 petitioner in accordance with law as if the conditions has 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, RANIPET,
RANIPET DISTRICT.

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



3 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.SARAVANAN Advocate on payment of necessary
charges SR.NO. 5409

+1 CC to M/S.M.ASHOK KUMAR, Advocate on payment of necessary
charges SR.NO. 5410

CRL OP.Nos.7980, 8008 and 8104/2022

Date :08/04/2022

RW 13/04/2022