



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9246 of 2022

K.JAGADISH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
KALLAKURICHI DISTRICT.
(CRIME NO.153/2022)

[RESPONDENT]

For Petitioner : M/S. B.UMAPATHY 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 petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 352, 506(II) and 302 of IPC read with Section 4 of the Tamil Nadu Women Harassment Act in Crime No.153 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is a 18 years old boy, who is implicated in a murder case of the prosecution, in view of the pathway dispute between the deceased family and the petitioner's family on 31.03.2022, five of the petitioner's family members attacked the deceased in which, the deceased sustained severe injury and got admitted in the hospital, after three days of treatment, he died. Hence, the case was registered under Sections 147, 148, 294(b), 323, 324, 352, 506(II) and 302 of IPC read with Section 4 of the Tamil Nadu Women Harassment Act and this petitioner is arrayed as A-5. From the first information report, this Court finds that the first accused in this case indicates that one Venkatesh, the first accused has caused fatal injury on the head of the deceased and this petitioner alleged to have been present in the scene of occurrence and attacked the deceased with a wooden log.



3. Considering the nature of the injury as found in the accident register, the deceased has sustained only one lacerated injury on the scalp. Hence, the main accused has already been arrested, considering the fact that all other four accused were arrested and remanded to judicial custody and this petitioner is an adolescent and there is no specific overt act attributed against him considering that, this Court is inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the petitioner 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, Sankarapuram, on condition that the petitioner 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 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m. for a period of 30 days;

(d) the petitioner 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.

WEB COPY

-sd/-

22/04/2022

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 JUDICIAL MAGISTRATE,
SANKARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. B.UMAPATHY Advocate on payment of necessary charges SR.No.6092

CRL OP.9246/2022

Date :22/04/2022

CSK 27/04/2022