



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10493 of 2022

1 KALIDASH @ KALVIARASAN
2 SHANTHABOOPATHI
3 VENKATACHALAPATHI

[PETITIONERS/ ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.
(CR.NO. 56 OF 2022)

[RESPONDENT]

For Petitioner : M/S. D.BALAJI Advocate

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

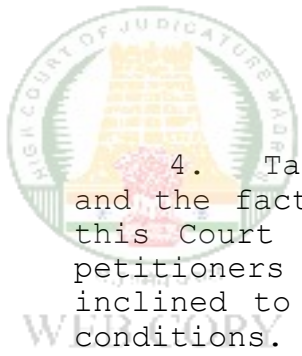
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 323, 324, 506(ii) and 307 of IPC, in Crime No.56 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The First Information Report indicates that the petitioners and the defacto complainant had a wordy quarrel between them. It is also alleged that the petitioners attacked the defacto complainant with hands. Hence, the complaint.

3. It is the submission of the learned counsel for the petitioners that the injured had been discharged from the hospital. There is also a case is counter registered in Crime No.57 of 2022 for the offences under Sections 147, 294(b), 323, 506(i) and 379 of IPC r/w 3(1), 3(1)(s), 3(2)(VA) of SC/ST Act.



4. Taking into the fact that it is a case of case in counter and the fact that the injured had been discharged from the hospital, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. 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 No.I, Mettur, Salem District, on condition that each of the petitioners 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 learned Magistrate, failing which the anticipatory bail shall stand canceled and on further condition that:

(a) 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;

(b) the petitioners shall report before the Investigating Officer, daily at 10.00 a.m., until further orders.

(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 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;

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

-sd/-

05/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.BALAJI Advocate on payment of necessary charges
SR.No.6797

CRL OP.10493/2022

Date :05/05/2022

CSK 11/05/2022