



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.10556 of 2022

SURENDER

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.
CRIME NO.123 OF 2022

[RESPONDENT]

For Petitioner : M/S. P.MUTHAMIZHSELVAKUMAR 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 petitioner, who apprehends arrest for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC in Crime No.123 of 2022, on the file of the respondent police, seeks anticipatory bail.

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

3. The case of the prosecution is that on 19.04.2022 at about 04.00 p.m, the petitioner and other accused persons, without the permission of the defacto complainant, entered into his land and attempted to pull the palmyra fruit that belonged to the defacto complainant. When the same was questioned by the defacto complainant, the petitioner abused him in filthy language and attacked him with hands. Hence, the defacto complainant sustained simple injuries. Thereby, the law enforcing agency registered a case against the petitioner.



4. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.side) submitted that injured person has been treated as out patient and discharged from the hospital.

6. It is seen from the submissions of the learned counsel appearing for the parties that, in connection with the alleged occurrence, there was an attack against the complainant. Further, it is the submission of the learned Government Advocate that the defacto complainant was treated only as out patient.

7. Taking note of the fact that, the defacto complainant was treated only as out patient and also that except Sections 506(ii), 324 IPC other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 Court No.IV, Vellore, 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 Respondent Police daily at 10.30.a.m., until further orders;

(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.

-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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges SR.NO.6804

CRL OP.10556/2022

Date :05/05/2022

JPA 11/05/2022