



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.10555 of 2022

1 KANTHASAMY
2 RAMAJEYAM
3 GANESAN

[PETITIONERS/ ACCUSED]

Vs

THE STATE BY
THE SUB INSPECTOR OF POLICE
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.
(CRIME NO.29 OF 2022)

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN 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 for the alleged offence under Sections 294(b), 325, 506(ii) of IPC in Crime No.29 of 2022, on the file of the respondent police, seek anticipatory bail.

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

3. The case of the prosecution is that on 21.03.2022 at about 1.30 p.m the defacto complainant took the tractor of one Senthil to level the disputed cart track. While so, the petitioners prevented and abused him in filthy language, following which, there was a wordy quarrel between both the groups. As a result of which, both the parties sustained injuries. Thereby, the law enforcing agency registered a case against the petitioners.



4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant had sustained only simple injuries. He further submitted that there is also a counter case in Crime No.30 of 2022 registered for the offence under Section 294(b) and 323 of IPC on the complaint given by the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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

6. It is seen from the submissions made by the learned counsel appearing for the parties that, due to cart track dispute, there was a fight between two groups and in the said fight, the defacto complainant sustained injuries and lost his teeth. There is also a counter case in Crime No.30 of 2022 registered for the offence under Section 294(b) and 323 of IPC on the complaint given by the petitioners.

7. Taking note of the fact and circumstances of the case and that no weapon was used by the petitioners in the alleged occurrence and also that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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.II, Attur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- each (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 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Respondent Police 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 petitioners in accordance with law as if the conditions has 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;

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(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.II, ATTUR,SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
SR.No.6750

CRL OP.10555/2022

Date :05/05/2022

CSK 11/05/2022