



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10805 of 2022

1 SURYAPRAKASH
2 KUMARESAN
3 ARUNACHALAM
4 CHINNAVAN @ SURESH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
PARAMATHI VELUR,
NAMAKKAL DISTRICT
CRIME NO.92/2022

[RESPONDENT]

For Petitioner : M/S.M.MARIMUTHU Advocate

For Respondent : MR.N.S.SUGANTHAN, Government 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 offences under Sections 294(b), 323, 324, 427 & 506(ii) of IPC in Crime No.92 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous political enmity the petitioners herein said to have assaulted the defacto complainant and his family members causing injury.

3. The learned counsel for the petitioners submitted the petitioners are innocent and they had not committed any such offences as alleged by the prosecution. He further submitted that due to political enmity, they had been falsely implicated in this case. Hence, he pleads for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the injured in this case have been discharged from the hospital.

WEB COPY

5. It is seen from the submission that there was a fight between two factions. A case in counter in Crime No.93 of 2022 was registered against the defacto complainant and others for the offences punishable under Sections 147, 148, 294(b), 323 & 506(ii) of IPC. The injured in this case was discharged from the hospital.

6. Considering the nature of the offence and the fact that injured in this case have been directed from the hospital, this Court is of the view that custodial interrogation of these petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Paramathi, Namakkal District on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/-only (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 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.

WEB COPY

-sd/-

06/05/2022

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,
PARAMATHI, NAMAKKAL DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
PARAMATHI VELUR, NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MARIMUTHU Advocate on payment of necessary charges

CRL OP.10805/2022

Date :06/05/2022

RW 12/05/2022