



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.10795 of 2022

1 THANGARASU

[PETITIONERS / ACCUSED]

2 TAMILSELVAM @ SELVAM

3 CHINNAMMAL

4 ANITHA

Vs

STAT REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KARILABATH POLICE STATION,
ARIYALUR DISTRICT
(CRIME NO.49/2022)

For Petitioner : M/S.V.ILLANCHEZIAN 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 & 506(ii) of IPC in Crime No.49 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a dispute with regard to payment of LIC policy premium amount, the petitioners said to have abused the defacto complainant, assaulted him with with wooden log and thereby, caused injuries to him and also criminally intimidated him.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they had not committed any such offences as alleged by the prosecution. He further submitted that there is a case in counter and hence, 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 has been discharged from the hospital.

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5. From the submission of the learned counsel appearing for the parties, it appears that there was a dispute in connection with seeking LIC premium amount by the defacto complainant and both the parties attacked each other. There is a counter case in Crime No.48 of 2022, which was registered against the defacto complainant for the offences punishable under Sections 294(b), 323 & 506(ii) of IPC. Now, injured in this case is discharged from the hospital.

6. Considering the nature of the offence and the facts of the case that it is a case in counter and injured has been discharged from the hospital, this Court is of the view that custodial interrogation of these petitioners is 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 No.1, Ariyalur 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.

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-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,
NO.I, ARIYALUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KARILABATH POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.ILLANCHEZIAN Advocate on payment of necessary charges SR.NO. 6881

CRL OP.10795/2022

Date :06/05/2022

RW 12/05/2022