



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11100 of 2022

1 SUBRAMANI
2 KUMAR
3 AMMASI

[PETITIONERS/ ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.
(CRIME NO. 87/2022)

[RESPONDENT]

For Petitioner : M/S. T.MURUGANANTHAM Advocate

For Respondent : MR.S.SUGENDRAN, Additional Public Prosecutor

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 and 506(ii) of IPC, in Crime No.87 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that petitioners and the de-facto complainant are neighbours. On the date of occurrence, due to property dispute, there was a wordy quarrel between the accused persons and the de-facto complainant, as a result of which, the petitioners abused the de-facto complainant, his brother and mother in filthy language and assaulted them with hands and stone and thereby, caused injuries to them. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor would submit that there is a case in counter and during the wordy quarrel, the petitioners attacked the defacto complaint, his brother and mother with hands and stone and due to which, the defacto complainant's teeth was broken. He would further submit that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned District Munsif Cum Judicial Magistrate, Edapadi, on condition that each of the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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 shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his 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 as and when required for interrogation;

(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;



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

WEB COPY

-sd/-

11/05/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPADI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.No.7050

CRL OP.11100/2022

Date :11/05/2022

CSK 16/05/2022