



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11150 of 2022

BILAVENDRARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KEEVALUR POLICE STATION,
NAGAPATTINAM DISTRICT
CRIME NO.147/2022

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent : M/S.S.SUGENDRAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 147, 148, 294(b), 323. 324, 427, 506(ii) of IPC altered into one under Section 307 of IPC in Crime No.147 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.04.2022 the defacto complainant viz., Ajithmani, driver of the bus lodged a complaint stating that he and one Aravindan, conductor of the bus were proceedings towards Aimalai. On the way to Sikkal, the petitioner parked his auto on the road and quarrelled with one bike rider. When the conductor of the bus asked the petitioner to take the auto and give way to the bus, the petitioner called another four persons through phone and assaulted the conductor of the bus with iron rod and wooden logs and with the coir of the auto, they tried to strangulate the conductor of the bus. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that after registering the case, the respondent secured the petitioner and remanded in the judicial custody. Thereafter the petitioner moved bail petition before the learned Principle District and Session Judge, Nagapattinam in Cr.M.P.No.830 of 2022 and the same was allowed and the petitioner released on bail. After that, the respondent filed alteration report and cancellation of bail before the concerned Court and the same was allowed and ordered to secure the petitioner. He further submitted that the petitioner also sustained injuries during the said incident and admitted in the hospital. Hence, he pleads for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner and others had assaulted the conductor of the bus with iron rod and wooden log. Due to which he sustained grievous injuries and admitted in the hospital. Hence, he vehemently opposed for granting anticipatory bail.

5. On perusal of the copy of the Accident Register, it is seen that the nature of injuries sustained by the victim was not mentioned. It is stated that only the victim was attacked by using pipe and rod. Considering the facts of the case and that now, the injured has been discharged from the hospital, custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 Judicial Magistrate No.I, Nagapattinam on condition that the petitioner shall execute their 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 petitioner shall affix their photograph 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 as and when required for interrogation.

(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/-

12/05/2022

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, NAGAPATTINAM.

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

3 THE INSPECTOR OF POLICE,
KEEVALUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges SR.NO. 7035

CRL OP.11150/2022

Date :12/05/2022

RW 16/05/2022