



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12326 of 2022

MURALI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
THIRUPATTUR DISTRICT.
CRIME NO.139/2022.

For Petitioner : M/S. S.MANICKAM Advocate

For Respondent : M/S.A.GOKULAKRISHNAN, Additional Public Prosecutor
Assist by MS.J.R.ARCHANA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable u/s.294 (b), 324, 506(ii) of Indian Penal Code in Crime No.139 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity there was a quarrel between the petitioner and the defacto complainant and it is alleged that the petitioner had assaulted the defacto complainant in his chest by pen knife and butcher knife and also abused him in unparliamentary words. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are step brothers and this is a case and case in counter. Due to land dispute, the defacto complainant attacked the petitioner with an intention to cause death, due to which he sustained grievous injuries. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Prosecutor appearing for the respondent submitted that the petitioner and the defacto complainant are relatives. He would further submit that petitioner was discharged from the Hospital, but he is still taking treatment as an outpatient. It is a case and case in counter and the counter case has been registered in Crime No.140 of 2022 for the offences under sections 294 (b), 324, 427 and 307 of Indian Penal Code. Hence, he vehemently oppose for the grant of anticipatory bail.

5.Taking into consideration the facts of the case, the relationship between the parties and also considering the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Vaniyambadi, Thirupattur District**. On condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[d]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 have 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]**.



[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/06/2022

WEB COPY

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,
VANIYAMBADI, THIRUPATTHUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE STATION,
THIRUPATTUR DISTRICT.

+1 CC to M/S. S.MANICKAM Advocate on payment of necessary charges SR.NO.8366

CRL OP.12326/2022

Date :01/06/2022

TA-06/06/2022