



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12402 of 2022

1 AYYANAR [ PETITIONERS / ACCUSED ]  
2 SUNDARAM  
3 SHANKAR @ GOWRISHANKAR

Vs

STATE REP. BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE  
MALLUR POLICE STATION,  
SALEM  
CRIME NO.139 OF 2022.

For Petitioners : M/S.C.D.SUGUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate ( Crl. Side)  
Assistant by M/S.R.S.NIRANJAN, 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 offences punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.139 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have abused the defacto complainant in filthy language and assaulted him with fire wood on his head and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there was a pathway dispute between the petitioners and the defacto complainant, due to which a false complaint has been given against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would submit that the petitioners attacked the defacto complainant with fire wood and caused injuries. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the fact that the victim discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.VI, Salem, on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police as and when required for interrogation.

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

[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 have 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].



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

WEB COPY

-sd/-  
26/05/2022

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.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
MALLUR POLICE STATION, SALEM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges SR.NO.8170

CRL OP.12402/2022

Date :26/05/2022

JPA 31/05/2022