



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.12468 of 2022

1 VAITHIYALINGAM
2 SANTHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.
(CRIME NO.107/2022)

[RESPONDENT]

For Petitioner : MR.RAJKUMAR, Advocate for
M/S. A.VINOTH KUMAR Advocate

For Respondent : MR.V.MEGHANATHAN, Govt. 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 at the hands of the respondent police for the offences punishable under Sections 294(b), 323 , 506(i) and 435 of IPC and Section 4 of TNPWH Act in Crime No.107 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and there was a quarrel between them regarding pathway and further, the petitioners burnt the defacto complainant's bike. Due to which, they attacked with each other and both the parties have give complaint against each other.

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. The petitioners have also lodged a complaint before the respondent police in Cr.No.107 of 2022 against the defacto complainant. He would further submit that the



petitioner is ready to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of crime No.107 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate would submit that the petitioners and the defacto complainant attacked with each other due to pathway dispute. Further, the petitioners burnt the bike, which was owned by the defacto complainant. They lodged a complaint with each other. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also there is a counter case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.107 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate-II, Jayamkondam on condition that the petitioners shall execute separate 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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 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]**.



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

-sd/-
26/05/2022

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,
NO.II, JAYAMKONDAM,

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

+1 CC to M/S. A.VINOTH KUMAR Advocate on payment of necessary charges SR.NO.8122

CRL OP.12468/2022

Date :26/05/2022

TA-01/06/2022