



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.12537 of 2022

1 KANDASAMI [PETITIONERS / ACCUSED]
2 THANGAMANI
3 SENTHIL KUMAR
4 SELVI
5 SHANMUGAM
6 RAJATHI
7 KRISHNAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT
(CRIME NO.140 OF 2022)

For Petitioners : M/S.M.VENKADESH KUMAR Advocate

For Respondent : MR.C.E.PRATAP, 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 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.140 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners abused the defacto complainant and his family members, assaulted them with wooden log, thereby, caused injuries and also threatened with dire consequences. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/> learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not



committed any offence as alleged by the prosecution. He further submitted that in the same occurrence, the defacto complainant and their family members assaulted the petitioners, for which, 5th petitioner herein lodged a complaint against them and a counter case in Crime No.141 of 2022 has been registered as against the defacto complainant and others for the offences under Sections 294(b), 341, 323, 324, 427 and 506(i) of IPC. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (crl. side) would submit that there is a case in counter in Crime No.141 of 2022 has been registered as against the defacto complainant and others. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that it is a case in counter, 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.I, Mettur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail. 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 abscond, 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.I, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VENKADESH KUMAR Advocate on payment of
necessary charges SR.NO.7900

CRL OP.12537/2022

Date :26/05/2022

JPA 30/05/2022