



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12770 of 2022

1 KANAGARAJ
2 RAJA

[PETITIONERS / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE
KILIYANOOR POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.114 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.SASIKUMAR Advocate

For Respondent : M/S R.S.NIRANJAN PUBLIC PROSECUTOR
FOR Mr.C.E.Pratap Government Advocate (Crl. Side)

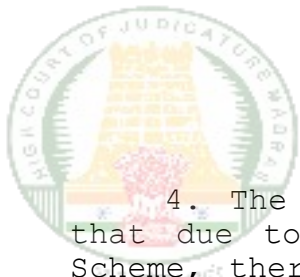
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sectiona 294(b), 332,427,353,506(I)IPC in Crime No.114 of 2022,seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is complainant is the Panchayath Council Secretary of Therkunam Village Panchayath and on the date of occurrence, there was a wordy quarrel between the defacto complainant and the petitioner in respect of allotment of houses under PMAY Scheme during which, the petitioners attacked the defacto complainant with sticks and hands and abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would submit that due to dispute in respect of allotment of houses under PMAY Scheme, there was a quarrel between the petitioners and the defacto complainant during which, the petitioners abused the defacto complainant who is the Panchayath Council Secretary and also attacked him.

5. Considering the facts and circumstances of the case, 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 District Munsif cum Judicial Magistrate, Vanur, Villupuram, on condition that each of the petitioners shall execute a 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 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.

-sd/-

27/05/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR,
VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 INSPECTOR OF POLICE
KILIYANOOR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
Sr.8153

CRL OP.12770/2022

Date :27/05/2022

RVR 01/06/2022