



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.12811 of 2022

1 NITHILAN [PETITIONERS / ACCUSED]
2 DANIEL @ SAM DANIEL
3 AKASH

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.173 OF 2022.

For Petitioners : T.ANANTHASEKAR Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor
Assistant by M/S.J.R.ARCHANA, Advocate

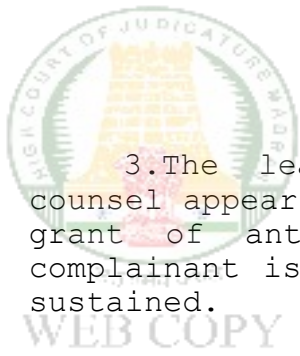
For Defacto : MR.T.SUNDARAVADHANAM, Advocate
Complainant

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 alleged offences punishable u/s.294(b), 323, 341, 506(2) IPC in Crime No.173 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein due to previous enmity, had attacked the defacto complainant with hands and also with cricket bat, due to which, the defacto complainant sustained grievous injury and got admitted in the hospital. Hence the complaint.



3.The learned Additional Public Prosecutor and the learned counsel appearing for the defacto complainant strongly objected to the grant of anticipatory bail stating that the victim / defacto complainant is still in hospital and taking treatment for the injury sustained.

4.However, the learned counsel for the petitioner submitted that there is no external injury and the victim has also been discharged from the hospital on the 2nd day itself, but in order to defeat this anticipatory bail application, he is still in the hospital. On instructions, he would further submit that the petitioners are ready to deposit Rs.10,000/- to the credit of crime number. Accordingly, he prays for grant of anticipatory bail to the petitioner.

5.Taking into consideration the fact that there is no external injury and the petitioners are also ready to deposit Rs.10,000/- to the credit of Crime Number, excepting the offence u/s.506(2) the other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- to the credit of Cr.No.173 of 2022, within a period of fifteen days from the date on which the order copy made ready. On such deposit the petitioners are ordered to be released on bail in the event of their arrest on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 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 Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioners shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
01/06/2022

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.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to T.ANANTHASEKAR Advocate on payment of necessary charges
SR.NO.8360

CRL OP.12811/2022

Date :01/06/2022

JPA 08/06/2022