



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.12867 of 2022

1 SUBBAIYAN
2 THIPTHI PRABHU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE
(CRIME NO.292/2022)

[RESPONDENT]

For Petitioner : M/S.V.SENTHILKUMAR Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(i) of I.P.C, in Crime No.292 of 2022, and they have filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant regarding construction of a compound wall, and it is alleged that the petitioners have assaulted the defacto complainant with hands and also abused him with unparliamentary words. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that earlier, the petitioners were attacked by the defacto complainant, and he has given a complaint, which was registered in Crime No.293 of 2022, as a counterblast, the present complaint has been filed. He would submit that they are innocent persons and they are no way connected with the offence. He would also submit that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that this is a case in counter and due to a wordy quarrel, the petitioners have assaulted the defacto complainant with their hands, thereby, they have caused simple injury. He would submit that the injured has been discharged from hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the above facts and circumstances, nature of allegation and the fact that the injured is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Mettupalayam, Coimbatore, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 as and when required for interrogation.

[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 are 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.

-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,
METTUPALAYAM, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.SENTHILKUMAR Advocate on payment of necessary
charges sr.8435

CRL OP.12867/2022

Date :01/06/2022

RVR 03/06/2022