



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 Nos.12882 & 12934 of 2022

1 VENKATESH
2 ALAGUSAMY

[PETITIONERS / ACCUSED
IN BOTH THE PETITIONS]

Vs

THE INSPECTOR OF POLICE
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.
CRIME NO.482 OF 2020.

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.M.VIJAYA RAGAVAN Advocate
[IN BOTH THE PETITIONS]

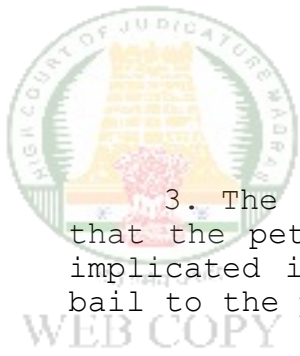
For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor
Assisted by M/S.J.R.ARCHANA, Advocate
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.482 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the de facto complainant regarding usage of a public pathway, the petitioners scolded the de facto complainant with filthy language and threatened with dire consequences.



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

4. The learned Additional Public Prosecutor appearing for the respondent would submit that charge sheet has been filed. He would further submit that pursuant to charge sheet, a non-bailable warrant has already been issued against the petitioners.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the final report has already been filed before the concerned Judicial Magistrate Court, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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.II, Sankari, Salem District on condition that the petitioners shall execute a 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 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 as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.



7. With the above directions, this Criminal Original Petition is ordered.

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.II, SANKARI, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO. 8438

CRL OP.Nos.12882 & 12934 /2022

Date :01/06/2022

RW-02/06/2022