



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.12886 of 2022

1 SATHISH @ SATHISH KUMAR
2 DHANAPAL
3 PARTHIPAN
4 CHINNATHANGAM
5 KAVITHA
6 SANTHIYA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT.
(CR NO.275 OF 2022)

[RESPONDENT]

For Petitioner : M/S S.PANNEER SELVAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR
ASST. BY MS.J.R.ARCHANA FOR RESPONDENT

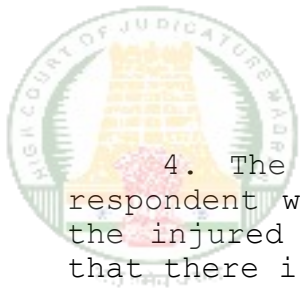
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who have been arrayed as A1 to A6 apprehend arrest for the alleged offence under Sections 147, 148, 294(b), 324, 427 and 506(ii) of IPC in Crime No.275 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners have assaulted the de facto complainant and his family members with hands, stones and pipes.

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. He would further submit that the petitioners and de facto complainant are relatives and it is a case in counter. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injuries are grievous in nature and the injured is still in hospital. However, he would further submit that there is no previous case as against the petitioners.

5. Taking into consideration the facts and circumstances of the case, the antecedents of the petitioners, the relationship between the parties and the nature of offence, 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, Omalur, 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 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.275 of 2022 on the file of the respondent police.

[b] 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] 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.

-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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to S.PANNEER SELVAN Advocate on payment of necessary charges
Sr.8346

CRL OP.12886/2022

Date :01/06/2022

RVR 02/06/2022