



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.12865 of 2022

RAJKUMAR S

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT
(CRIME NO.144/2022)

[RESPONDENT]

For Petitioner : M/S C.S.SARAVANAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 324, 506(ii) of IPC in Crime No.144 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a dispute between the petitioner and the de facto complainant regarding drainage outlet, the petitioner assaulted the de facto complainant with spade in his head.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he is prepared to pay a sum of Rs.10,000/- to the de facto complainant through the respondent police. The learned counsel has also made an endorsement to that effect. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner assaulted the de facto complainant by using spade and he sustained grievous injuries. He further submitted that the injured has been discharged.

5. Taking into consideration the facts and circumstances of the case, the submission of the learned counsel for the petitioner that the petitioner is willing to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the de facto complainant and the fact that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kumarapalayam, on condition that the petitioner shall execute a 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the victim through the concerned police station and the concerned police officials shall get an acknowledgment from the victim for receipt of the amount and the same shall be produced during the execution of a bond. If the victim is not willing to accept the said payment, the amount shall be deposited to the credit of Crime No.144 of 2022 on the file of the respondent police.

[b] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been



imposed and the petitioner 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 absconds, 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,
KUMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges SR.NO. 8358

CRL OP.12865/2022

Date :01/06/2022

RW-02/06/2022