



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.12871 of 2022

1 A.RAJESH KUMAR [PETITIONERS/ ACCUSED]
2 SARAVANAN
3 KITTU @ KANAGARAJ

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.
CR.NO.157 OF 2022.

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

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

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

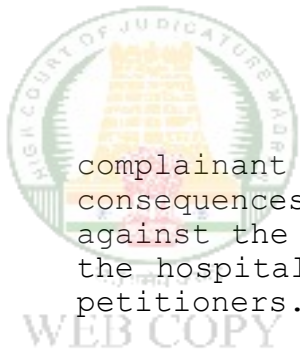
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 324 and 506(ii) of I.P.C in Crime No.157 of 2022 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have attacked the *de facto* complainant with beer bottle on his head, due to which, the *de facto* complainant sustained blood injuries and also threatened him with dire consequences.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they are in no way connected with the alleged occurrence. Hence, he prays for granting of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners attacked the *de facto*



complainant with beer bottle and also threatened him with dire consequences. He further submitted that there is no previous case against the petitioners and that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel on either side and the fact that there is no previous case against the petitioners and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before **the learned Judicial Magistrate No.I, Sankari**, on condition that the petitioners shall execute a separate 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 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 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.



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

-sd/-
01/06/2022

WEB COPY

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, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. C.S. SARAVANAN Advocate on payment of necessary charges SR.NO.8359

CRL OP.12871/2022

Date :01/06/2022

TA-02/06/2022