



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13562 of 2022

1 SEKAR [PETITIONERS / ACCUSED]
2 MAHESWARI
3 KARTHIKEYAN
4 PRIYADHARSHINI
5 KALIYANNAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
BANGALA PUDUR POLICE STATION,
ERODE DISTRICT.
CRIME NO.131/2022.

For Petitioner : M/S.B.MANIMARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(2) of IPC, in Crime No.131 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that the fifth petitioner got married with the defacto complainant's wife's sister viz., Tamilarasi, about 55 years ago and they were no children. Meanwhile, the fifth petitioner developed illicit relationship with the mother of the first petitioner. In these circumstances, the fifth petitioner alienate his properties to the first petitioner. Hence the defacto complainant got angry with the fifth petitioner and requested to do some settlement to Tamilarasi. While so, on 09.4.2022, a panchayat was being conduted,



at that time, the petitioners 1 to 4 assaulted the defacto complainant and threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the fifth petitioner was assaulted by the defacto complainant and other relatives. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and caused injuries. He would further submit that the injured discharged from the hospital on 13.04.2022. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Gopichettipalayam, 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 respondent police or the police officer who intends to arrest or 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 1, 3 and 5 shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation and the petitioners 2 and 4 shall report before the respondent police as and when required for interrogation.

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

-sd/-

13/06/2022

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,
GOPICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANGALA PUDUR POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.B.MANIMARAN Advocate on payment of necessary charges SR.NO.9038

CRL OP.13562/2022

Date :13/06/2022

TA-21/06/2022