



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13931 of 2022

1 VELU @ VELMURUGAN
2 MEENA
3 SATHISHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT
CRIME NO.260 OF 2022

[RESPONDENT]

For Petitioners : M/S.P.THIRUMALAIVASAN, Advocate for
M/S.G.SELVARAJ, Advocate

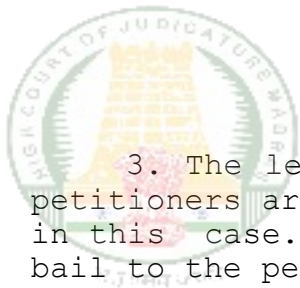
For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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, 324, 506 (ii) and 379 of I.P.C in Crime No.260 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner received a sum of Rs.2,50,000/- from the defacto complainant to provide a job for him. On 11.06.2022, at about 7.30.p.m. the defacto complainant asked the first petitioner to refund the money, he abused the defacto complainant in filthy language and attacked him with wooden log and he got injured. Hence, the complaint.



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

4. The learned Additional Public Prosecutor would submit that the first petitioner attacked the defacto complainant with wooden log and he is still in hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second and third petitioner alone with certain conditions. As far as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail.

6. Accordingly, the second and third petitioner 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 Judicial Magistrate Court-II, Mettur, on condition that the second and third petitioner shall execute a bond for a sum of Rs.10,000/- each (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 second and third 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.

[b] the second and third petitioner shall report before the respondent police daily morning at 10.30 a.m. for a period of two weeks and thereafter as and when required.

[c] the second and third petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second and third petitioner 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 second and third 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



7.As far as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail.

-sd/-
16/06/2022

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.II, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.SELVARAJ, Advocate on payment of necessary charges
SR.NO.9377

CRL OP.13931/2022

Date :16/06/2022

JPA 21/06/2022