



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14564 of 2022

1 MELQUER @ JOHNMILKIYUR
2 JOHN BRITTO @ CHINNAKANNU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ELAVANASOORKOTTAI POLICE STATION,
ULUNDURPET, KALLAKURICHI.
CRIME NO.108 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.JAYACHANDRAN Advocate

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

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

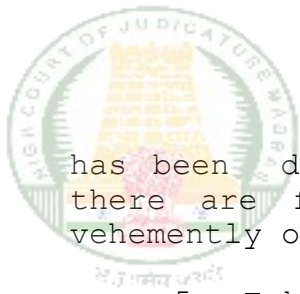
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 506(2) of IPC in Crime No. 108 of 2022, seek anticipatory bail.

2. The case of the prosecution is that there arose a wordy quarrel between the petitioners and the defacto complainant, as a result of which, the petitioners attacked the defacto complainant and caused injuries to him. 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. Therefore, he prays for grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 8 accused involved in this case. The petitioner is arrayed as A1 and A3. He would further submit that the injured



has been discharged from the hospital. He would also submit that there are five previous cases pending against A1. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the fact that the first petitioner/A1 is having five previous cases pending against him, this Court is not inclined to grant anticipatory bail to the first petitioner and the same is dismissed.

6. Considering the fact and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Ulundurpet, 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 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter as and when required for interrogation.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

-sd/-

24/06/2022

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, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELAVANASOORKOTTAI POLICE STATION,
ULUNDURPET, KALLAKURICHI.

+1 CC to M/S.P.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.9896

CRL OP.14564/2022

Date :24/06/2022

TA-29/06/2022