



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14886 of 2022

1 SAVERIYAR [PETITIONERS / ACCUSED]
2 CHARLES
3 ARULRAJ
4 SAGAYARAJ
5 CHINNAPPAN
6 AROKIYADAS @ CHINNAPAYAN
7 ANTHONI JAYARAJ
8 ANTHONYSAMI
9 AROCKIASAMY

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CHEYUR POLICE STATION,
TIRUPPUR DISTRICT
CRIME NO.177 OF 2022

For Petitioners : M/S. M.VIJAYA RAGAVAN 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 147, 148, 294(b), 323, 324, 427, 435, 506(ii) of IPC and Sections 3 & 4 of TNPPDL Act in Crime No.177 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 20.06.2022, one Pernatmeri W/o. Malaiyappan of the petitioner's village died and the petitioners had taken the dead body through a cart track situated in the de-facto complainant's land. When the de-facto complainant



questioned the same, the petitioners are alleged to have attacked and scolded him in filthy language and also damaged his properties. 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 further submitted that originally the de-facto complainant assaulted the petitioners for which, the petitioners lodged a complaint in Crime No.178 of 2022 as against the de-facto complainant. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the de-facto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital on 27.06.2022. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that the victim 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 Judicial Magistrate Court, Avinashi, Tiruppur District on condition that each of 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 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
28/06/2022

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,
AVINASHI, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHEYUR POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO.10183

CRL OP.14886/2022

Date :28/06/2022

JPA 04/07/2022