



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15344 of 2022

1 ESWARAN [PETITIONERS / ACCUSED]
2 VENKATACHALAM
3 VIJAYARAGHAVAN
4 RAJDHANAM @ RAJDHANAMANI
5 BALAMANI
6 LATHA @ LATHAMALINI

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT
CRIME NO.167 OF 2022.

For Petitioner : M/S.C.RAMKUMAR 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, 326 and 506(ii) of IPC in Crime No. 167 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 17.06.2022, the petitioners abused the defacto complainant in filthy language, attacked with aruval caused decapitated the left thumb and also intimidated 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



both the petitioners and the defacto complainant are adjacent land owners and a Civil Suit in OS.No.211 of 2012 was pending before the District Munsif Court, Dharapuram. While so, the defacto complainant was putting fence and erecting poles and on seeing the same, a wordy quarrel arose between them in that, he lost his left thumb. A counter case was also filed in Crime No.168 of 2022 before the respondent police. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are adjacent land owners and due to wordy quarrel, the petitioners attacked the defacto complainant with aruval and he lost his left thumb. He would further submit that the injured has been discharged from the hospital on 24.06.2022. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering 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, Dharapuram, 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/A1 and A3 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and the petitioners/ A2, A4, A5 and A6 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/-
04/07/2022

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.NO.10601

CRL OP.15344/2022

Date :04/07/2022

JPA 04/07/2022