

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15478 of 2022

1 RAMU [PETITIONERS / ACCUSED]
2 MANI
3 VALLARASU
4 LOGU @ LOGANATHAN
5 SURYA @ MOHAN RAJ
6 SURENDERAN @ SUGANDHIRAN
7 PERIYASMY

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.
CRIME NO.328 OF 2022.

For Petitioners : M/S.C.DEEPAK KUMAR 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), 427 & 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.328 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, due to previous enmity, the petitioners trespassed into the house of the defacto complainant with deadly weapons and attacked the defacto complainant and also damaged the house door, roof tiles and bike. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready to deposit a sum of Rs.25,000./- (Rupees Twenty Five Thousand only) jointly to the credit of crime No. 328 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the injured victim has been discharged from the hospital on 10.06.2022. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly to the credit of Crime No 328 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate Court, Omalur on condition that the petitioners shall execute seperate 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 shall deposit a sum of Rs 25,000/- (Rupees Twenty Five Thousand only) jointly to the credit of Crime No.328 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

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

-sd/-
05/07/2022

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,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
OMALUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.11069

CRL OP.15478/2022

Date :05/07/2022

JPA 14/07/2022