

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION NOS.15895 & 15906 of 2022

1 SEKAR [PETITIONERS / ACCUSED
2 BAKKIYA IN CRL.OP.NO.15895/2022]

SINGAPPA [PETITIONER / ACCUSED
IN CRL.OP.NO.15906/2022]

Vs

STATE REP BY [RESPONDENT/COMPLAINANT
THE INSPECTOR OF POLICE, IN BOTH PETITIONS]
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.50/2022)

For Petitioner : M/S.E.KANNADASAN Advocate
[IN BOTH PETITIONS]

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in both Crl.O.P's, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427, 506(i) IPC in Crime No.50 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to some property dispute, on 26.06.2022, when the defacto complainant and her husband were doing agricultural work, the petitioners abused the defacto complainant and her husband in filthy language and assaulted them with crowbar. In the said attack, the defacto complainant and her husband sustained injuries. 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 to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have attacked the defacto complainant and her husband and caused injuries. He would further submit that the injured person has been discharged from the hospital on 30.06.2022. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners in both CrI.O.P's 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 District Munsif cum Judicial Magistrate, Denkanikottai 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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/-
08/07/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NOs.11071+11074

CRL.OP.NOs.15895&15906/2022

Date :08/07/2022

CSK 13/07/2022