



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25586 of 2021

1. Elayaraja
2. Mahalingam

.. Petitioners

Vs.

State Rep.by
The Inspector of Police
Perambur Police Station,
Mayiladuthurai District.
Crime No.1104 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1104 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.T.Saravanan

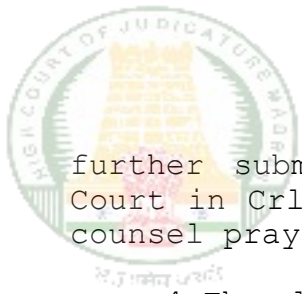
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 307 of IPC in Crime No.1104 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the other accused had a wordy quarrel with the defacto complainant, due to which, the petitioners attacked the defacto complainant with wooden log and also attempted to commit murder and caused injuries on him. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners without prejudice to their rights, on their own volition, are ready to deposit a sum of Rs.10,000/- to the credit of Crime No.1104 of 2021. He



further submits that the co-accused were enlarged on bail by this Court in Crl.OP.No.25534 of 2021 dated 23.12.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that the petitioners are ready to deposit a sum of Rs.10,000/- to the credit of Crime No.1104 of 2021, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.1104 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif-Cum-Judicial Magistrate, Tharangampadi on condition that the petitioners shall execute separate bonds 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 and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.1104 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the first petitioner shall report before the respondent police on Wednesday at 10.30p.m for a period of four weeks and thereafter as and when required for an interrogation and the second petitioner being a senior citizen shall report before the respondent police as and when required for an interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 has been imposed and the petitioners are 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

04/01/2022

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, THARANGAMPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERAMBUR POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.NO.104

CRL OP.25586/2021

Date :04/01/2022

RW 10/01/2022