



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Cr1.O.P.No.25843 of 2021

1. Karthik ...Petitioners
2. Sakthivel
3. Madhu

Versus

The State represented by ...Respondent
The Inspector of Police,
Nangavalli Police Station,
Salem District.
(Crime No.405 of 2021)

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.405 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 506(2) IPC and 109 IPC in Crime No.405 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.12.2021, due to previous enmity with regard to a pathway between the petitioners and the defacto complainant, there was a wordy quarrel between them, as a result of which, they have waylaid him, abused him with filthy language, and they have also attacked him with hands, legs and with iron stick. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that earlier, the petitioners were attacked by the defacto



complainant, and they have given a complaint, which was registered in Crime No.404 of 2021, as a counterblast, the present complaint has been filed. He would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that as there was a wordy quarrel between them, the petitioners have assaulted him with iron rod, thereby caused simple injury on his head. He would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the fact that on the date of occurrence, due to a wordy quarrel between the parties, thereby the petitioner said to have assaulted the defacto complainant with iron rod, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Mettur, Salem District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c] the petitioners shall not tamper with the 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/12/2021

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,
NO.I, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.15656

CRL OP.25843/2021

Date :29/12/2021

CSK 30/12/2021