

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SALEM

Present : Thiru.S.Jeganathan, B.A.,B.L., D.C.A., C.J.,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem.

Thursday, the 13th day of October, 2022

CRIMINAL MISCELLANEOUS PETITION No.3433 / 2022

(CNR.No.TNSA010055022022)

1) Murugan (30), S/o.Manickam
2) Alamelu (60), W/o.Manickam ... Petitioners / Accused No.1 & 3

/Versus/

State by : The Inspector of Police,
Deevattipatty P.S.
Cr.No.420 / 2022 ... Respondent/Complainant

This Petition filed on 11.10.2022 under section 438 of Code of Criminal Procedure, to grant anticipatory bail to the petitioners.

This petition coming on this day for hearing before me in the presence of Tr.M.Veeramani, Advocate for the petitioners and of the Public Prosecutor contra, this Court passed the following :

ORDER

Heard both sides and perused the records.

This petition is filed by counsel for petitioners/accused u/s.438 of Cr.P.C. seeking anticipatory bail. Apprehending arrest at the hands of the respondent/police for the alleged offence punishable under Section 341, 294(b), 324 and 506(ii) IPC, the petitioners have come forward with this petition seeking anticipatory bail.

The learned counsel for petitioners/accused would submit that the alleged occurrence has been taken place on 19.09.2022. There are three accused in this case. In this case the accused No.2 was arrested and released on bail by the Judicial Magistrate, Omalur in CMP.No.420 / 2022 dated : 28.09.2022. Injured in this case has been discharged from the hospital. Hence he prays to grant anticipatory bail to the petitioners/accused on any condition.

Per contra, the learned Public prosecutor would submit that simple injury is reported and wound certificate also obtained. He opposed to grant anticipatory bail to the petitioners/accused.

Considering the facts and circumstances and taking into account that the injured in this case has been discharged from the hospital, this Court is of the view that the custodial investigation of the petitioners is not necessary and this court is inclined to grant anticipatory bail to the petitioners on the following conditions:

- 1) that in the event of arrest of the petitioners by the respondent/police or on their surrender before the learned Judicial Magistrate, Omalur within 15 days from the date of this order and on such arrest or surrender the petitioners are ordered to be enlarged on anticipatory bail on their executing bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Omalur ;
- 2) that 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;
- 3) that the petitioners shall appear and sign before the respondent police daily at 10.00 a.m. until further orders and on further condition that they shall make available themselves for interrogation as and when required by the investigation officer;

- 4) that the petitioners shall not visit the place of the defacto complainant at any point of time if any deviation will be noticed or brought to the knowledge of the Court the anticipatory bail so granted may cancelled;
- 5) that the petitioners shall not tamper with evidence or witness either during investigation or trial;
- 6) that the petitioners shall not abscond either during investigation or trial;
- 7) that 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 themselves as laid down by the Hon'ble Supreme court in P.K.Shaji -vs- State of Kerala ((2005) AIR SCW 5560);
- 8) If the accused thereafter absconds, a fresh FIR can be registered u/s.229A IPC.
as such this petition is allowed.

Pronounced by me in the Open Court, this 13th day of October, 2022.

Sd /- S.Jeganathan,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem

Copy to the Judicial Magistrate, Omalur.
Copy to the Inspector of Police, Deevattipatty PS.