



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5465 of 2020

1. Narayanan,
2. Venkatesh @ Venkatesan,
3. Chandru, ... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Srirangam Police Station,
Trichy.
(Crime.No.259 of 2020). ... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime.No.259 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
324 and 506(ii) of I.P.C., in Crime No.259 of 2020, on the file of
the respondent police, seek anticipatory bail.



3.The First Information Report reveals that on 04.05.2020, when the de-facto complainant returned from attending the funeral ceremony of one Arunprakash, the petitioner herein, due to previous enmity, quarrelled with the de-facto complainant and abused him in filthy language and attacked with wooden log and stone. The de-facto complainant had sustained injury and got himself admitted in the Government hospital Srirangam as inpatient. The First Information Report has been registered by the respondent police from the de-facto complainant, while he was taking treatment.

4.According to the learned counsel appearing for the petitioner, in the accident register, the victim has informed to the doctor that he was attacked by nearly twenty persons. However, in the First Information Report, he has corrected his complaint only against the petitioners herein. The learned counsel for the petitioners point out the contradiction in the statement give by the defacto complainant and submit that imaginary complaint is given by the de-facto complainant, against the petitioners due to previous enmity.

5.The learned Additional Public Prosecutor appearing for the State submits that the de-facto complainant, in his complaint given to the police, has reconciled the discrepancy in the accident register, regarding the number of persons who attacked him. Since the incident has taken place as continuation of the earlier quarrel between the de-facto complainant and the accused persons, the detention of the petitioners are necessary for investigation and to prevent future occurrence of similar crime.

6.Considering the rival submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor and taking note of the fact that the injured has already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly the petitioners are ordered to be released on bail on in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- each and further the petitioners shall produce two sureties each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate cum District Munsif Court, Srirangam, within one month and on further condition that:

(i)the petitioners and 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;

(ii)the petitioners shall report before the respondent police <https://hcservices.mca.gov.in/hc30vices/> until further orders.



iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/05/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE
CUM DISTRICT MUNSIF, SRIRANGAM.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5465 of 2020
Date :27/05/2020

SJI
AE/PN/SAR-III (28.05.2020) 3P 5C