



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

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.219 of 2021

Balaji @ balasubramanian

... Petitioner/Accused No.3

Vs

State Rep.by,
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
Crime No. 165 of 2020.

... Respondent/Complainant

For Petitioner : MR.M.Palani,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.165 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
448, 342, 323, 324 and 506(ii) I.P.C., seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute the
petitioner herein along with other accused said to have trespassed
into the house of the defacto complainant and assaulted him with
wooden stick and also threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent and a false case has been foisted against
him and prayed the petition to be allowed.

4. The learned Government Advocate(Crl.Side) would submit due
to civil dispute between the petitioner and the defacto complainant,
the petitioner along with other accused trespassed into the house of
the defacto complainant and assaulted him with wooden stick and also
threatened him with dire consequences.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there was a civil dispute between them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.THE JUDICIAL MAGISTRATE NO.VI,
MADURAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.M.PALANI, Advocate SR.No.332

ORDER

IN

CRL OP(MD) No.219 of 2021

Date :19/01/2021

LS

PK/KV/SAR-I/27.01.2021 : 3P/6C