



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD). No.354 of 2021

1.Prabhu @ Prabakaran

2.Anastraj

: Petitioners/Accused No.2 & 3

Vs

The State Rep. by
The Inspector of Police,
T.Pettai Police Station,
T.Pettai,
Trichy District.
Crime No. 812 of 2020

: Respondent/Complainant

For Petitioners : Mr.Arunraj.K, Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.812 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused No. 2 & 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 325 and 506(i) of IPC, seek anticipatory bail.

2.The case of the prosecution is that there was some business motive between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant and also abused him with filthy language. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would also submit that the injured was also discharged from the hospital.



4. The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital.

5. Considering the fact that there existed business enmity between the parties, that the injured was discharged from the hospital, that the first accused has already been granted bail by the jurisdictional magistrate and upon the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur on condition that the petitioners shall execute a bond 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with 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 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.

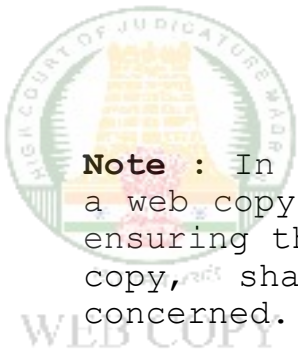
sd/-

11/01/2021

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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,
THURAIYUR,
TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
T.PETTAI POLICE STATION,
T.PETTAI,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.354 of 2021
Date :11/01/2021

DAS
TE/SMA/SAR-III : 19/01/2021 : 3P/5C