



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.393 of 2021

U.Vignesh ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Peravoorani Police Station,
Thanjavur District.
Crime No.13/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Venkateshwar,
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.13 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioner and others said to have abused the defacto complainant with filthy language and criminally intimidated her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that it is a case in counter, earlier the petitioner has been attacked by the defacto complainant and hence, he has given a complaint against her and the same was registered in Crime No.12 of 2021. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.



4. The learned Government Advocate(Crl.Side) would submit that the injured person was also discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the facts that a case in counter is pending against the defacto complainant, that the injured person was discharged from the hospital and that except the offence under Section 506(ii) of IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner 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, Pattukottai, 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 daily at 10.30 a.m., for the period of two weeks and thereafter, as and when 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/-
11/01/2021

/ 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,
PATTUKOTTAI.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PERAVOORANI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.393 of 2021
Date :11/01/2021

cp
AE/SMA/SAR-III (19/01/2021) 3P / 5C