



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1392 of 2021

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... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Satheshkumar.B,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

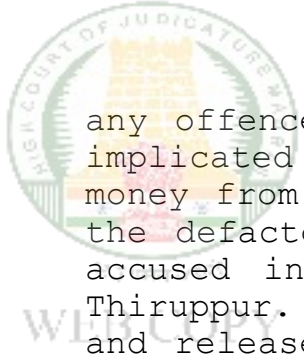
For Anticipatory Bail in Crime No.4 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294(b), 324, 307, 427 and 506(ii) IPC in Crime No.4 of
2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused in this
case borrowed a sum of Rs.50,000/- as a loan from the defacto
complainant's grand-mother and failed to repay the same. Therefore,
the defacto complainant demanded the loan amount from A1. Due to
that motive, A1 and the petitioner herein, who is the son of A1,
attacked the defacto complainant. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A1 only borrowed money from the grand-mother of the defacto complainant, for which, the defacto complainant roped all the family members of the first accused into the case. The petitioner is working as coolie in Thiruppur. He further submitted that A1 in this case was arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner is having one previous case. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the above facts and circumstances of the case and considering the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is directed to pay a sum of Rs.25,000/- to the grand-mother of the defacto complainant, without prejudice to his rights and contentions and shall receive acknowledgment for the same from the grand-mother of the defacto complainant.

7.On producing such acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.V, Tirunelveli, 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 appear 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

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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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/02/2021

/ 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.V, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1392 of 2021
Date :08/02/2021

GNS
TE/JC/SAR-I : 17/02/2021 : 3P/5C