



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1899 of 2021

Dinesh @ Dineshkumar

... Petitioner/Sole Accused

Vs

The State rep by
Inspector of Police,
Serndhamaram Police Station,
Tenkasi District
Cr No.34/2021.

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.34 of 2021 on the file of the respondent police.

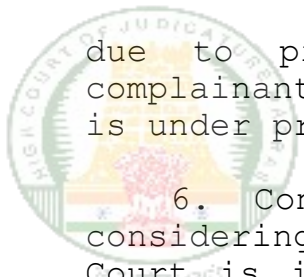
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC., r/w Section 4 of TNPHW Act, in Crime No.34 of 2021, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 01.02.2021, due to previous enmity, the petitioners attacked the defacto complainant.

4. The learned counsel for the petitioner submits that the petitioner did not commit any offence, as alleged by the prosecution and he is an innocent.



due to previous enmity, the petitioner attacked the defacto complainant. It is a case of case and counter and the investigation is under progress.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case of case and counter, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

7. 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, Tenkasi 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 a period of two weeks and thereafter 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/-

16.02.2021

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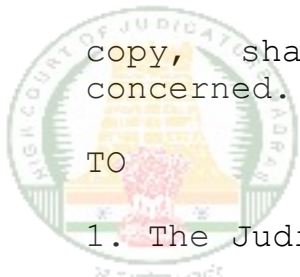
/ /2021

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

MPK

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

<https://hcservices.ecourts.gov.in/hcservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Tenkasi.

2.-Do- Thro The Chief Judicial Magistrate,
Tirunelveli District.

3. The Inspector of Police,
Serndhamaram Police Station,
Tenkasi District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.1899 of 2021
Date : 16/02/2021

VB JC SAR 1(19.02.2021) 3P 5C