



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2228 of 2021

Subash Kannan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District
Crime No.32/2021.

... Respondent/Complainant

For Petitioner : Mr.Sankar.K.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 323, 324, 307 and 506(ii) of IPC, in Crime No.32 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are residing in the same apartment. Due to dispute with regard to the breaking of pipeline, the petitioner and others said to have trespassed into the defacto complainant's house and threatened him and also assaulted him with iron rod. Hence, the present complaint.

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



4.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. He further submitted that it is a case in counter, earlier the petitioner has been attacked by the defacto complainant and hence, the petitioner has given a complaint against the defacto complainant and the same was registered. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter and the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the injured person has already been discharged from the hospital, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, 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 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.

WEB COPY

sd/-
17/02/2021

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

+1 CC to Mr.K.SANKAR, Advocate (SR-1244[I] dated 19/02/2021)

ORDER
IN
CRL OP(MD) No.2228 of 2021
Date :17/02/2021

VSG
TE/JC/SAR-IV : 24/02/2021 : 3P/6C