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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2327 of 2021

Bala Yogesh

... Petitioner/Accused No.4

Vs

The State Rep. by
The Inspector of Police,
Battalagundu Police Station,
Dindigul District.
Crime No.119/2020.

... Respondent

For Petitioner : Mr.Vellaichamy.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime no.119 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 147, 148, 323, 324, 506(ii) and 307 of IPC, in Crime No.119 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to dispute in the play ground, there was a wordy quarrel between the petitioner and others and the defacto complainant, in which, the petitioner and others were said to have abused the defacto complainant by using filthy language and also assaulted him with iron rod and wooden stick and caused head injuries. 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 the petitioner's name is not found in the FIR and the occurrence said to have taken place on 15.03.2020. The petitioner was never called for any enquiry and he has not known about the pendency of this Case. Now, the investigation has been completed and the petitioner's name has also been included by the respondent Police. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that 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 due to dispute in the play ground, the occurrence said to have taken place and the injured person already 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, Nilakottai, 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.R.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.

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19/02/2021

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

+1 CC to Mr.S.VELLAICHAMY, Advocate (SR-1235[I] dated 19/02/2021)

ORDER
IN
CRL OP(MD) No.2327 of 2021
Date :19/02/2021

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