



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.3201 of 2021

WEB COPY

Udhayavishwa

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi, Thoothukudi District,
Crime No.105/2021..

... Respondent/Complainant

For Petitioner : Mr.Vishnuvardhan,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.105/2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 307 and 506(ii) of IPC, in Crime No.105 of 2021 on
the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute,
there was a wordy quarrel between A1 and the defacto complainant, in
which, the petitioner and others were said to have abused the
defacto complainant by using filthy language and also attempted to
murder him. 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 and he has been falsely
implicated in this case. Hence, he prayed for grant of anticipatory
bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for
the respondent police submitted that due to family dispute, the



occurrence said to have taken place. He further 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 family dispute, the occurrence said to have taken place 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 Juvenile Justice Board, Thoothukudi, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg



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 OFFICER INCHARGE,
JUVENILE JUSTICE BOARD,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
THALAMUTHUNAGAR POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.VISHNUVARDHAN Advocate SR.No.2157

ORDER
IN
CRL OP(MD) No.3201 of 2021
Date :15/03/2021

NR/PN/SAR-II(19.03.2021) 2P:5C