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

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3673 of 2021

Rajapandian ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Musiri Police Station,
Tiruchirapalli District.
Crime No.96/2021. ... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervener : Mr.K.Arunraj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 96 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 offence punishable under Sections 294(b), 323, 307 and 506(i) of IPC and Section 3(1) of TNPPDL Act, 1992, in Crime No.96 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that earlier on 17.02.2021, due to dispute with regard to supply of food in Pandamangalathar Hotel, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner and other accused said to have abused the defacto complainant by using filthy language and attacked him and also caused damage to the hotel. On the same day, one Suresh, who is the defacto complainant in Crime No.96 of 2021, came to the alleged occurrence place and he has taken video in his phone. Thereafter, he went to Musiri Government Hospital to meet the owner of the said hotel viz., Baskar. At that time, the

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petitioner along with other accused were said to have picked quarrel with the said Baskar and threatened him to withdraw the complaint. The defacto complainant was said to have tried to take video, the petitioner and other accused persons were said to have snatched his phone and thrown away and pushed him and assaulted him. Due to which, he sustained injury. 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. He further submitted that the petitioner met with an accident and sustained multiple injuries all over the body and thereafter, he was admitted in Maruthi Hospital,Trichy at ICU Ward. Due to which, the learned Judicial Magistrate, Musiri, had enlarged the petitioner on his own bond. 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 totally there are two accused in this case, in which, the petitioner has been arrayed as A1. He further submitted that on the date of occurrence the defacto complainant went to the hotel for gathering the news of earlier occurrence, at that time the petitioner and other accused persons were said to have attacked the defacto complainant and threatened him with dire consequences.

5.Heard the learned counsel appearing for the petitioner and intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

6.On perusal of the materials available on records, it is seen that in this case A2, who is the brother of A1, has been granted anticipatory bail by this Court in Crl.O.P.(MD).No.3041 of 2021. it is seen that the petitioner had met with an accident and sustained multiple injuries all over the body and thereafter, he was admitted in the Maruthi Hospital, at ICU ward. Remand request has been submitted by the respondent Police before the learned Judicial Magistrate, Musiri, on 22.02.2021. Thereafter, the learned Magistrate, Musiri, had gone to the Hospital and examined the petitioner at about 09.00 p.m, and considering the health condition and medical records, the magistrate had recorded that the petitioner will be in a position to walk after two weeks of surgery and completing mobilisation will take three months and the petitioner is in immobilisation. Hence, the Judicial Magistrate, Musiri, had rejected the remand request, made by the respondent Police.

7.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

sd/-
09/03/2021

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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.

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TO

1.THE JUDICIAL MAGISTRATE, MUSIRI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TIRUCHIRAPALLI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate(SR-2001[I] dated 11/03/2021)

ORDER
IN
CRL OP(MD) No.3673 of 2021
Date :09/03/2021

VSG
TK/VR/SAR.4/12.03.2021/4P/6C

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