



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5042 of 2021

Vijayakanth

... Petitioner/1st Accused

Vs

The State by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Cr.No. 76 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D,
Advocate.

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

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

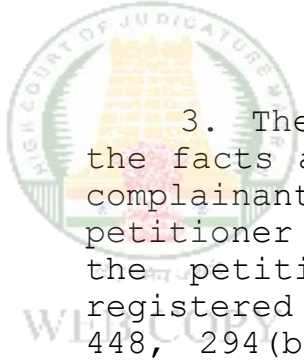
PRAYER :-

For Anticipatory Bail in Crime No.76 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC in Crime No.76 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbors. On 24.03.2021 at about 06.00 pm., it is alleged that the petitioner along with other accused abused the family members of the defacto complainant and when it was questioned by the daughter-in-law/Chitra hence there was a quarrel. Thereafter at about 09.45 pm., at the instigation of the petitioner the second accused went to the house of the Chitra and abused her in filthy language and also inflicted injuries to the son of the defacto complainant/Boominathan and also caused injuries to the defacto complainant. Hence the complaint.



3. The learned counsel for the petitioners would submit that the facts alleged in the complaint is not true. Infact the defacto complainant and others illegally trespassed into the house of the petitioner and attacked him using wooden log as a result of which the petitioner suffered injuries, for which a case has been registered in Crime No. 75 of 2021 for the offences under Sections 448, 294(b), 324 and 506(ii) against the defacto complainant and others. He would also submit that the injured has been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and that a case and counter has been registered in Cr.No.75/2021 and that there is no previous case against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured got discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Karaikudi 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 respondent police daily at 10.30 am., until further orders.

(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.

sd/-

17.04.2021

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/ /2021

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

AAV

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, KARAIKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.D.VENKATESH, ADVOCATE (SR-3203[I] DATED 19/04/2021)

ORDER
IN
CRL OP(MD) No.5042 of 2021
Date : 17/04/2021

VB/PN/SAR-III (21/04/2021) 3P / 6c