



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

Date : 19/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN  
CRL OP(MD)No.5072 of 2021

WEB COPY

1. Y.Thomas
2. Y.Agasteen

... Petitioners/Accused No.1 & 2

Vs

The State rep by  
The Inspector of Police,  
Ramji Nagar Police Station,  
Trichy District  
Cr.No.89 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,  
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.89 of 2021 on the file of the  
Respondent Police.

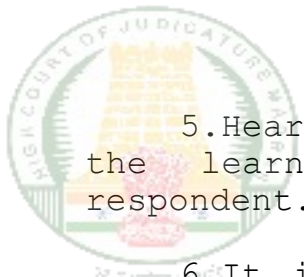
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
294(b), 342, 323, 324, 506(ii) IPC and Section 4 of the Tamilnadu  
Prohibition of Harassment of Women Act, 2002 in Crime No.89 of 2021,  
seek anticipatory bail.

2.The case of the prosecution is that there was a path way  
dispute between the petitioners' family and the defacto  
complainant's family and therefore, on 20.03.2021 at about 07.30  
am., there was a wordy quarrel arose between them, in which, the  
petitioners attacked the defacto complainant with wooden lock and  
caused injury. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the  
petitioners are innocent persons and they did not commit any offence  
as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that due  
to path way dispute, the petitioners attacked the petitioners and  
now, the injured person has been discharged from the hospital.



5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

6. It is seen from the submissions made that due to path way dispute, the petitioners attacked the defacto complainant and now, the injured person has been discharged from the hospital. Considering the above facts and also considering the fact that except Sections 506(ii) and 324 IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. III, Trichy on condition that the petitioner shall execute a bond for a sum of Rs. 10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 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 petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

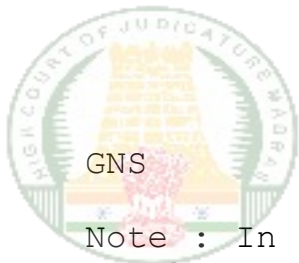
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K. Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
19.04.2021

/ TRUE COPY /

/ /2021



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.III,  
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPPALLI
- 3.THE INSPECTOR OF POLICE,  
RAMJI NAGAR POLICE STATION,  
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.5072 of 2021  
Date : 19/04/2021

VB/PN/SAR-IV (22/04/2021) 3P / 5c