



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5192 of 2021

Murugan ... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Elumalai Police Station,
Usilampatti, Madurai District.
Cr.No.89 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Ayyanar Prem Kumar.S.,
Advocate.

For Respondent : 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 324 IPC in Crime No.89 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant questioned the petitioner about the quarrel between him and his mother, the petitioner bite his finger and also tried to bite his neck. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that the injured person discharged from the hospital and there is no bad antecedents as against the petitioner.



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

6. There is a quarrel between the petitioner and the defacto complainant. It appears that both sustained injuries and the injured has been discharged from the hospital. However, the petitioner filed the photograph showing the petitioner taking treatment with fracture injury in his left hand and he has undergone surgery. Considering the facts of this case, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No. II, Usilampatti, 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 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.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/-
09.04.2021

/ 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.II, USILAMPATTI,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,USILAMPATTI,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.AYYANAR PRAM KUMAR, Advocate (SR-3089[I] dated 15/04/2021)

ORDER
IN
CRL OP(MD) No.5192 of 2021

Date : 09/04/2021

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