



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

Date : 17/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.5420 of 2021

1.Jayabalan

2.Viji @ Vijayalakshmi

... Petitioners/Accused Nos.1 & 2

Vs

State rep by

The Inspector of Police,

Kallal Police Station,

Sivagangai District.

(Crime No.70/2021).

... Respondent/Complainant

For Petitioners: Mr.Anandkumar.J.,
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. 70/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC r/w 25(1A) of Arms Act, in Crime No.70 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 12.04.2021 at about 05.30 p.m., while the defacto complainant's son was returning to home along with cows, the second petitioner entered into a wordy altercation with the son of the defacto complainant and abused him and thereafter, armed with knife, threatened the defacto complainant and her husband with dire consequences. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police opposed this petition on the ground that the knife, which was used by the second petitioner, is two feet



length. However, He conceded that no injury was caused to the defacto complainant in the occurrence.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

6. It is seen from the submission made that on 12.04.2021 at about 5.30 p.m when the defacto complainant's son was returning home with the cows, the second petitioner entered into a wordy altercation with the son of the defacto complainant and abused him and thereafter, the first petitioner threatened him with dire consequences with long knife.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are neighbours and the fact that no injury was caused to the defacto complainant in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Karaikudi, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate 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 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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17.04.2021

/ TRUE COPY /

/ /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.

TO

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

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-3196[I] dated 19/04/2021)

ORDER
IN
CRL OP(MD) No.5420 of 2021

Date : 17/04/2021

VB/PN/SAR-III (23/04/2021) 3P / 6c