



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5887 of 2021

Perumal

... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District,
Crime No.79/2021.

... Respondent/Complainant

For Petitioner : Mr.Thiruvadi Kumar.A.,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.79 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), 342 and 307 IPC in Crime No.79 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the defacto complainant and the petitioner, who is the own brother of the defacto complainant. Due to that motive, on 14.04.2021, at about 7.40 pm., when the defacto complainant stood near his house in two wheeler, A1 came there and scolded him in filthy language and the petitioner herein caught hold the defacto complainant and A1 attacked him with aruval and when his wife prevented, she was also attacked by the accused persons. Due to the same, both of them suffered with injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. In fact, the defacto complainant



and his wife are accused in Cr.No.198 of 2020 for the offence under Section 306 IPC for abetting suicide of the petitioner's wife. He further submitted that it is a false case and hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that A1 in this case is absconding and investigation in this case is pending. He further submitted that the injured person treated as inpatient for 4 days and thereafter, discharged from the hospital.

5.Considering the background with which this occurrence had happened and that there is no specific overt act alleged against this petitioner in attacking the defacto complainant and his wife, this Court is inclined to grant anticipatory bail to the petitioner.

6.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, Sathankulam, 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/-

26/04/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-3411[I] dated
27/04/2021)

ORDER
IN
CRL OP(MD) No.5887 of 2021
Date :26/04/2021

GNS
JM/SKN/SAR I/05.05.2021/3P/6C