



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

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty
One

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6034 of 2021

R.Mayandi ... Petitioner/Proposed Accused

Vs

State Represented by,
The Sub Inspector of Police,
Thiruppachathi Police Station,
Sivagangai District,
Crime No. 90/2021.

... Respondent/Complainant

For Petitioner : Mr.Ponnuthai C.R.,
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. 90/2021 on the file of the
respondent Police

ORDER: The Court made the following order :-

Apprehending arrest at the hands of the respondent police for
the alleged offences punishable under sections 147, 294 (b), 323,
435 and 506 (ii) of IPC in Crime No.90 of 2021 on the file of the
respondent police, the petitioner has come forward with this
petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned
Government Advocate (Criminal Side) for the respondent police.

3.It is seen from the submissions made that on 14.04.2021,
at about 01.00 p.m., the defacto complainant and his friend were
coming near Vaigai Rivan Bridge in a two wheeler bearing



Registration No.TN 64 J 3966, the accused questioned them that why they are coming there. Subsequently, at about 04.00 p.m., when they were consuming Alcohol, the petitioner with others came in an auto, attacked them and set fire to the two wheeler. Due to which, the defacto complainant suffered injury. Hence, the complaint.

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4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the accused set fire to the two wheeler, however, value of the damages has not been mentioned and that the injured has been discharged from the hospital.

6.Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppuvanam, and on his executing 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police, daily, at 10.30 a.m., 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]**; and



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/04/2021

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/ /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, THIRUPUVANAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THIRUPPACHATHI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.6034 of 2021
Date : 28/04/2021

SM
CSL/05.05.2021 : 3P/5C