



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

Date : 07/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD).No.7272 of 2021

P.Mahendran @ Mahendra Kumar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Puthukadai Police Station,
Puthukadai,
Kanniyakumari District.
Crime No.40 of 2021

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in crime No.40/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehends arrest by the respondent police for the offences punishable under Sections 294 (b), 324 and 506 (ii) of IPC in Crime No.40 of 2021 on the file of the respondent police, and seeks anticipatory bail.

2.The case of the prosecution is that the petitioner approached the defacto complainant for the purpose of purchasing an iron gate. The total cost of the iron gate was Rs.28,000/- and it is stated that the petitioner had paid only a sum of Rs.3,000/-. When the defacto complainant insisted for the payment of the balance amount of Rs.25,000/- there was an altercation, which resulted in the defacto complainant being assaulted with an iron rod by the petitioner and another person, resulting in the defacto complainant sustaining injuries.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offence and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

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4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police, on instructions, submitted that the accused persons failed to pay the entire amount for the iron gate purchased from the defacto complainant and when the same was questioned, the defacto complainant was attacked with an iron rod. The learned Additional Public Prosecutor further submitted that the defacto complainant has been discharged from the hospital and that the petitioner will have to be directed to pay atleast the entire balance amount as a condition if this Court is inclined to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6.Taking into consideration the facts and circumstances of the case and also the fact that the entire incident had taken place in the heat of the moment and that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District, and execute a fresh personal bond for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the defacto complainant within a period of two weeks from the date of receipt of a copy of this order;

[c]the petitioner shall report before the respondent police as and when required for interrogation;

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[d]the petitioner shall not abscond either during investigation or trial;

[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;

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[f]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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/06/2021

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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 No.II,
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
PUTHUKADAI, KANNIYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.3843

ORDER IN
CRL OP(MD) No.7272 of 2021
Date :07/06/2021

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