



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8264 of 2021

Poongani @ Sanmugavalli

... Petitioner/2<sup>nd</sup> Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Kadaladi Police Station,  
Ramnad District.  
Crime No. 143 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,  
Advocate.

For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.143 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.143 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 20.06.2021 at about 7.45 hrs when the father of the defacto complainant was taking rest in his house. At that time the first accused, under the influence of alcohol, standing in front of their house and talking abusive words. Father of the defacto complainant came out of the house and asked him why he was talking like that. There was a scuffle between both of them. Then Elampoornam picked aruval and attacked his father on his head and caused injuries. His wife Poongani @ Sanmugallai also attacked the father of the defacto complainant with aruvalmanai. As

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intimidated them and left the place. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A1 in this case was arrested and released on bail by the Sessions Court.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However he fairly concedes that the injured has been discharged from the hospital and A1 in this case was arrested and released on bail by the Sessions Court

5.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also the fact that A1 in this case was arrested and released on bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Kadaladi 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 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]**;



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
09/07/2021

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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,  
KADALADI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,  
RAMNATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
KADALADI POLICE STATION, RAMNAD DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.8264 of 2021  
Date :09/07/2021

AAV  
AE/MNR/SAR-1/13.07.2021/3P/5C