



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

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.8654 of 2021

WEB COPY

D.Santhosh@santhosh Kumar

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District,
Crime No. 869 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Alagia Nambi.R,
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.869 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
448, 294(b), 342, 323, 324 and 506(ii) of IPC and Section 4 of the
Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime
No.869 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 14.06.2021, at about
04.00 p.m., the accused with an intention to murder, illegally
trespassed into the house of the defacto complainant and took her
husband outside of the house. A2 and A3 caught hold her husband. A1
pulling his Pattaknife, threatened to cut his neck and stated that
they would sell Ganja, tablets, liquor and why he was interfering
and cut on the head of her husband. Therefore, this case came to be
registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the co-accused have been
released on bail in Cr.M.P.No.3055 of 2021 by the Additional Mahila
Court, Trichy.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the investigation is pending. However, he submitted that the injured had been discharged from the hospital.

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5.Considering the facts and circumstances of the case, the fact that the injured had been discharged from the hospital and the co-accused have been released on bail in Cr.M.P.No.3055 of 2021 by the Additional Mahila Court, Trichy, 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, Additional Mahila Court, Tiruchirapalli, 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 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 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]**; and

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

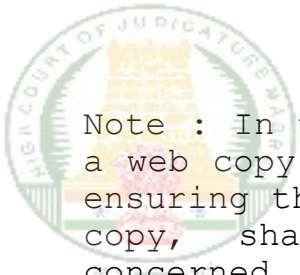
Sd/-

01/07/2021

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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.

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TO

1. THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
TIRUCHIRAPALLI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
3. THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ALAGIA NAMBI, Advocate (SR-4298[I] dated
02/07/2021)

ORDER

IN

CRL OP(MD) No.8654 of 2021

Date :01/07/2021

VB/JC/SAR.I/05.07.2021/3P/6C