



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8946 of 2021

1. Deenathayalan
2. Mithun Chakracarthy ... Petitioners/Accused No.1 and 2
Vs

The State Rep.by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy City.

Crime No.327 of 2021. ... Respondent/Complainant

For Petitioners: Mr.R.Pon Karthikeyan, Advocate.

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

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

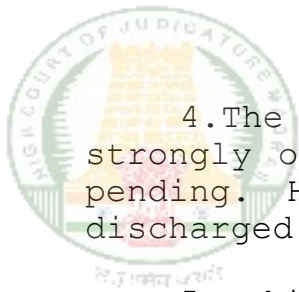
PRAYER :- For Anticipatory Bail in Crime No.327 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.327 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his friends had participated in the funeral function of one Mariappan. On 21.06.2021 at about 4.30 p.m., the accused had scolded him in filthy language and started attacking the defacto complainant with hands. At that time Deenadhayalan bite the left ear of Surendar. Again when they were standing near Rajmohan's house Deenadhayalan and Mithunchakravathi started attacking him. As a result, the defacto complainant sustained injuries on his left head. His brother sustained injuries on his head. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.



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.

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 except 506 (ii), 324 of IPC, all other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tiruchirappalli on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

08/07/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8946 of 2021
Date :08/07/2021

AAV
MS/AKM/SAR-4/13.07.2021/3P.5C