



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9121 of 2021

1. Ganesa Moorthy
2. Hemeshwaran

... Petitioners/Accused 3 & 4

Vs

The State rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy City
Crime No. 658/2021.

... Respondent/Complainant

For Petitioners : Mr.T.LENIN KUMAR, Advocate.

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

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

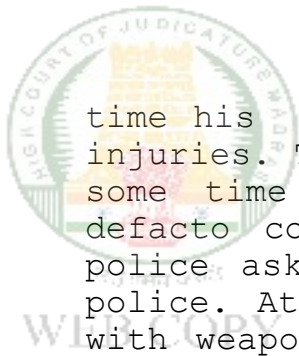
PRAYER :-

For Anticipatory Bail in Crime No. 658 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 324, 294(b), 506(ii) of IPC, in Crime No.658 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 04.07.2021 at about 2.00 pm., when the defacto complainant and his friend Kannan were waiting near autostand, Kumaran, Ananathakumar, Ganesamoorthy, Hemaswaran, Ganesh, Sathish, Senthil had come in three two wheeler . They started attacking Sathish in front of the shop of the defacto complainant. The defacto complainant informed this incident to the police through 100 and went to his shop. At that time, Ananthakumar, Hemaswaran, Ganesamoorthy, Ganesh scolded him in front of the shop. Kumaran tried to attack him with knife, at that



time his friend Kumar tried to intervene, therefore he suffered injuries. They had broken the glass of the shop and escaped. After some time the police came and enquired what had happened. The defacto complainant and his friend told about the incident. The police asked them to identify the house of Ananthakumar to the police. At about 4.30 pm., the accused came in three two wheeler with weapons and started attacking the defacto complainant stating that how dare he inform the police about them, as a result he suffered injuries. Therefore the 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 not yet completed. He would also submit that the injured has been discharged from the hospital and three previous cases are pending against the first petitioner in Crime Nos. 384 of 2020, 1161 of 2020 and 71 of 2021.

5. Considering the totality of the facts and circumstances of the case and the fact that three previous cases are pending against the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner, hence the petition stands dismissed against the second petitioner.

6. Considering the fact that injured has been discharged from the hospital and also the fact that no previous case is pending against the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, the first 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 No.II,Trichy on condition that the first 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 first 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 first petitioner shall report before the respondent police daily at 10.30 am., until further orders.



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

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

WEB COPY [e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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/-
20/07/2021

/ TRUE COPY /

/ /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
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER IN
CRL OP(MD) No.9121 of 2021
Date :20/07/2021

SA/JC/SAR.2/27.07.2021/3P/5C