



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

Date : 13/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9247 of 2021

Abishek

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
(Crime No.308 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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.308 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 294(b), 352, 353 and 506(i) IPC in Crime No.308 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 27.06.2021, the accused visited to the Sengipatti Police Station for getting his vehicle bearing registration No.TN 48 AA 3317, which was seized during lock-down period. Grade I Police Prakash was asked him to come next day, since the Sub Inspector of Police was not available. At that time, the petitioner was sitting in TVS XL and the defacto complainant asked him to get down from the seat. The petitioner said to have challenged the defacto complainant stating that he will not get down and if his vehicle is not returned, he will set fire to all the vehicle, which are standing in the Police Station. Therefore, the defacto complainant hit him. In return, the petitioner said to have hit Prakash 2 or three times. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is a case where it is alleged that the petitioner was beaten by the Constable Prakash. In retaliation, the petitioner hit him back. There is no injury to the Police Constable. Considering the facts of the case and also the fact that custodial interrogation of the petitioner is not necessary in this case, 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 No.3, Thanjavur District, 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 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]**.

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

sd/-
13/07/2021

/ 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.3, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9247 of 2021

Date :13/07/2021

GNS

MS/JC/SAR-3/15.07.2021/3P.5C