



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9243 of 2021

Arun ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District
Crime No. 549/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

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

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

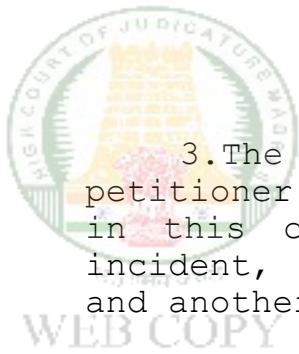
PRAYER :-

For Anticipatory Bail in Crime No. 549 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), 353, 506(ii) IPC in Crime No.549 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 17.06.2021, when the defacto complainant was in regular rounds, one Kandi @ Vairavamoorthi informed him over phone that accused Arun picked up fight with aruval and therefore, he prayed to save him. Therefore, the defacto complainant along with Police Constables Saravanan, Tharmaraj, Saiyad Meer Ismail visited Athivetti. They found the accused Arun in a two wheeler picked up quarrel with the said Kandi @ Vairavamoorthi. When the defacto complainant and Police party questioned him, he scolded the defacto complainant in filthy language, pushed the two wheeler down and threatened the defacto complainant that he would kill him by showing aruval. When they tried to apprehend him, he escaped from the scene in his two wheeler. 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. It is his further submission that for the same incident, two FIRs registered, one given by Kandi @ Vairavamoorth and another given by the defacto complainant.

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 appears that for an incident two FIRs have been registered. One on the basis of complaint given by Kandi @ Vairavamoorthi and another on the basis of the complaint given by the defacto complainant. In the case registered on the basis of the complaint given by Kandi @ Vairavamoorthi, the petitioner was already granted anticipatory bail. In this case, material witnesses are only official witnesses. Therefore, 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, Pattukottai, 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

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

ORDER
IN
CRL OP(MD) No.9243 of 2021
Date :13/07/2021

SA/VR/SAR.1/15.07.2021/3P/5C