



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

Date : 15/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9311 of 2021

1. Anbu
2. Pandi @ Pandiselvam ... Petitioners/Accused Rank No.1 and 2

Vs

The State through the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.421/2021.

... Respondent/Complainant

For Petitioners : Mr.S.J.Chakkravarthy,
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.421 of 2021 on the file of 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 147, 148, 341, 294(b), 324 and 506(ii) of IPC, in Crime No.421 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between the defacto complainant and the first accused and a criminal case is pending against the first accused on the basis of the complaint given by the defacto complainant. On 08.07.2021 at about 8.30 hrs when the defacto complainant came near APR Nagar arch, Anbu, Pandi and four other came in two two wheeler and Anbu attacked the defacto complainant with iron rod. Pandi attacked him on his head with rod. Others attacked him with stick. 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. He would also submit that A1 is having one similar previous case in Crime No.568 of 2019. However, he fairly concedes that the injured has been discharged from the hospital.

5. Considering the fact that A1 is having one similar previous case in Crime No.568 of 2019 , this Court is not inclined to grant anticipatory bail to A1, hence the petition stands dismissed against him alone.

6.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 324 and 506 (ii) of IPC, all other offences are bailable offences and also the fact that no previous case is pending against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, the second 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, Melur, Madurai District on condition that the second 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 second 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 second petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

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

[d]the second 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 second petitioner in accordance with law as if the



conditions have been imposed and the second 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/-

15/07/2021

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

+1 CC to Mr.S.J.CHAKKARAVARTHY, Advocate (SR-4612[I] dated
15/07/2021)

ORDER

IN

CRL OP(MD) No.9311 of 2021

Date :15/07/2021

AAV

MK/JC/SAR.IV/19.07.2021/3P/6C