



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

Date : 29/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.10077 of 2021

WEB COPY

Sivabalan

... Petitioner/Accused
(Rank Not Known)

Vs

State through
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District
in Crime No.305 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Palanivelayutham.S,
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.305 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 341, 323, 324, 307 and 506(ii) of IPC in Crime No.305 of
2021 seeks anticipatory bail.

2. The case of the prosecution is that on 18.06.2021 at about
7.20 hrs while he was in his house he was informed that his father
was attacked and suffered injuries near his brother's house
Karthikeyan. He visited his father and found his father with cut
injuries . He took his father to hospital. This incident has
happened due to property dispute between the defacto complainant
family and his uncle family. His father informed him that he was
attacked by the accused persons with aruval on 18.06.2021 at
7.00 p.m., Hence the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case. He would also submit that co- accused in this case were
granted bail by this Court in Crl.O.P(MD) No.9013 of 2021 dated



4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed the petition on the ground that the investigation is not yet completed. 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 the co- accused in this case were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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.V, Tirunelveli 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 the respondent police, daily at 10.30 a.m., 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;

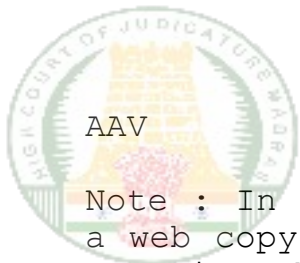
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
29/07/2021

/ TRUE COPY /

/ /2021



AAV

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.V,
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.10077 of 2021

Date : 29/07/2021

VB/JM/SAR.IV/03.08.2021/3P/5C