



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10416 of 2021

WEB COPY

S.Vetrivel,

... Petitioner/Accused

Vs

The Inspector of Police,
Thallakulam Police Station,
Madurai City, Madurai District
(Crime No. 771 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan Rm.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.771 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
147, 148, 448, 294(b), 307 IPC in Crime No.771 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that there was a dispute
between the accused persons and the defacto complainant with regard
to the rain water stagnation in front of both parties' house. Due to
the same, the accused persons attacked the defacto complainant and
his family members with deadly weapons. Therefore, the present case
came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the petitioner, along with
the second, fourth and fifth accused, filed a petition in Crl.O.P.
(MD)No.9129 of 2021 for anticipatory bail. This Court by an order
dated 16.07.2021, granted anticipatory bail to the second, fourth
and fifth accused and rejected the claim of the petitioner herein on
the ground that some of the accused have to be arrested. Subsequent
to this order, first accused and seventh accused were arrested and
released on bail.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital.

5.Considering the change in circumstances and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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.II, Madurai, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the evidence or witness either during investigation or trial.

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

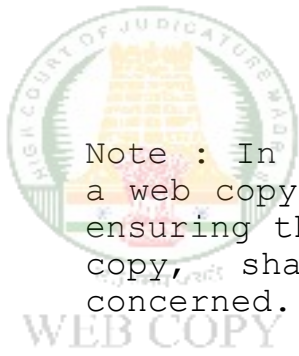
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
06/08/2021

/ 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,
Madurai.
- 2.Do-Through The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.10416 of 2021

Date : 06/08/2021

CN(23.08.2021) 3P 5C