



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 04/08/2021

PRESENT

WEB COPY

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD) . No.10388 of 2021

1. Veerapandi

2. Muthu @ Esakkimuthu ... Petitioners/Accused Nos.1 & 3

Vs

State Rep by  
The Inspector of Police,,  
Veeravanallur Police Station,  
Tirunelveli District.  
(Crime No. 359 of 2021). ... Respondent/Complainant

For Petitioners : Mr.Sathya Chidambaram.S  
Advocate.

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

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

PRAYER :-

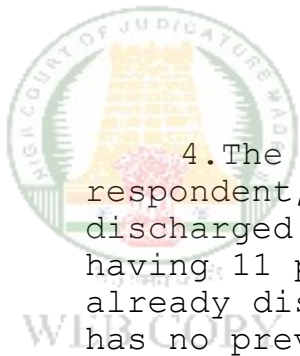
For Anticipatory Bail in Cr.No.359 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 324 and 506(ii) I.P.C in Crime No.359 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's brother borrowed money from the accused and in search of the defacto complainant's brother, these petitioners and two others went to the defacto complainant's house, assaulted him with iron rod, broken beer bottle and also threatened him. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, submits that the injured has been discharged from the hospital. However, the first petitioner is having 11 previous cases to his credit, out of which, six cases were already disposed of. He further submitted that the second petitioner has no previous case.

5.Considering the fact that the first petitioner is having several previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of first petitioner alone.

6.Taking into consideration the fact that the injured has been discharged from the hospital and the fact that there are no bad antecedents against the second petitioner/A3, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli 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 learned Magistrate concerned and on further conditions that:

(a)the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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 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]***; and;



(f) if the accused/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
04/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

MSA

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

ORDER  
IN  
CRL OP(MD) No.10388 of 2021  
Date :04/08/2021

PKP/JC/SAR-1/18/08/2021/3P/5C