



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10511 of 2021

Siva @ Sivashankar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Government Hospital Police Station,
Trichy City,
Trichy District
In Crime No.317 of 2021

... Respondent/Complainant

For Petitioner : Mr.P.GOKULNAATH, 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 Crime no.317 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), 323 and 506(2) of IPC in Crime No.317 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's brother is constructing a house, for which, sand was dumped before the building. The accused persons have played by sitting on the sand. When it was questioned by the defacto complainant, the accused abused the defacto complainant and his brother in filthy language and pelted stones on the defacto complainant's brother. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is the first accused and the other three accused have been released on bail by the Sessions Court.

4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is pending.

5. Considering the nature of offence and the fact that the co-accused have been released on bail, 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 Judicial Magistrate No.4, Tiruchirapalli 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 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 as and when required, 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/-
03/08/2021

/ 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.4,
TIRUCHIRAPALLI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
TRICHY CITY,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.10511 of 2021
Date :03/08/2021

SA/PN/SAR.3/09.08.2021/3P/5C