



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11053 of 2021

Karuppu @ Dinesh Kumar ... Petitioner/Accused No.5

Vs

State through
The Inspector of Police,
Viruveedu Police Station,
Dindigul District,
Crime No. 318/2021. ... Respondent/Complainant

For Petitioner : Mr.Selvan.T,
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. 318/2021 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, 294(b), 332, 353 and 506(1) of IPC, in Crime No.318 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 23.06.2021, when the defacto complainant was in duty at Viruveedu check post, at about 14.30 hours, three persons came in a two wheeler in a rash and negligent manner and dashed against the barricade. The defacto complainant and another helped them and enquired them. While so, three persons who came in two wheelers bearing registration nos.TN 99 M 6402 and TN 29 AM 7815 abused the defacto complainant by stating that the accident had happened only due to barricade placed by them and attacked them with stones and stick. As a result, the



defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is the victim at the hands of the defacto complainant and in order to suppress the same, the case has been foisted as against the petitioner and other accused as if they have assaulted the defacto complainant. Further, he would submit that the co-accused have been arrested and released on bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, fairly concedes that the co-accused who were arrested were released on bail.

5.Considering the facts and circumstances of the case, the nature of allegation against this petitioner and the fact that co-accused have been granted bail, this Court is inclined to grant anticipatory bail to the petitioner and hence, this Criminal Original Petition is allowed.

6. Accordingly, the 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, Nilakkottai, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the 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]***; and;



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

Sd/-
16/08/2021

/ TRUE COPY /

WEB 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,
NILAKKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11053 of 2021
Date :16/08/2021

GC/JM/SAR-3/19/08/2021/3P/5C