



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10986 of 2021

Mahalakshmi ... Petitioner/Accused No.6
Vs

The State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.337/2021)

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan

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.337 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), 324 and 506(2) of IPC altered to 294(b), 324, 506(2), 147, 148 and 448 of IPC in Crime No.337 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to a dispute in construction work, on 29.05.2021, the accused have abused the defacto complainant using filthy language and assaulted him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that at first, the case was registered against four persons and subsequently, this petitioner is added as an accused.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that the co-accused have been released on bail by the Court of Sessions on 15.06.2021 and the injured has been treated as out patient.



5. Considering the nature of offence and the fact that the co-accused were granted bail and that the injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

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, Periyakulam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the 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 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 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/-
10/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

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



TO

1.The Judicial Magistrate,
Periyakulam.

2.Do-Through The Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Thenkarai Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.10986 of 2021

Date : 10.08.2021

CN(18.08.2021) 3P 5C