



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD). No.11280 of 2021

WEB COPY

1. Palanivel,

2. Subramaniyan, ... Petitioners/Accused Nos.1 & 2

Vs.

State rep by

The Inspector of Police,  
Adirampattinam Police Station,  
Thanjavur District.

Cr.No.645 of 2021. ... Respondent/Complainant

For Petitioners : Mr. B. Santhanam Rajesh Kumar,  
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. 645 of 2021 on the file of  
the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
294(b), 323 and 324 of IPC in Crime No.645 of 2021, seek  
anticipatory bail.

2. The case of the prosecution is that the petitioners and the  
defacto complainant are relatives and neighbours. There is a civil  
dispute pending between them. On 03.08.2021, at about 07.00 am,  
there was a wordy quarrel between them, due to which, the  
petitioners abused the defacto complainant in filthy language and  
assaulted him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that a  
civil dispute is pending between the petitioners and the defacto  
complainant. Due to the said civil dispute, this case has been  
foisted against the petitioners.



4. The learned Government Advocate (Criminal Side), on instructions, would submit that the injured has been discharged from the Hospital on 07.08.2021.

5. Considering the nature of offence, the fact that the injured has been discharged from the Hospital and that civil dispute is pending between the parties, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Pattukottai, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners shall report before respondent police daily at 10.30 am, until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-  
16/08/2021

/ 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 concerned.

TO

1. The Judicial Magistrate Court,  
Pattukottai, Thanjavur District.
2. Do Through  
The Chief Judicial Magistrate,  
Thanjavur District at Kumbakonam.
3. The Inspector of Police,  
Adirampattinam Police Station,  
Thanjavur District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER IN  
CRL OP(MD) No.11280 of 2021  
Date : 16/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 5C