



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11307 of 2021

1. Kumaran,

2. Anandan @ Anand Kumar, ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep. by

The Inspector of Police,

Sessions Court Police Station,

Trichy City

(Crime No. 302 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Lenin Kumar.T,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.302 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C. in Crime No.302 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Kumar lodged a complaint that on 04.07.2021 at about 03.20 p.m., when he was talking to his friend Sathish in front of a shop, the petitioners and two others picked up quarrel with the said Sathish. When the de-facto complainant questioned the same, the petitioners and two others abused the de-facto complainant in filthy language, attacked him with deadly weapon and also threatened him with dire consequences, the complaint.



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

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4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the first petitioner is a history sheeted rowdy and seven previous cases are pending against him which reads as follows:

1.	Crime No.319 of 2014 on the file of Sessions Court Police Station, Trichy District for the offence under Section 302 I.P.C
2.	Crime No.302 of 2021 on the file of Sessions Court Police Station, Trichy District for the offence under Sections 294 (b), 324 and 506(ii) I.P.C
3.	Crime No.03 of 2015 on the file of Sessions Court Police Station, Trichy District for the offence under Section 392 r/w 397 I.P.C
4.	Crime No.172 of 2016 on the file of Sessions Court Police Station, Trichy District for the offence under Sections 294 (b), 323 and 506(ii) I.P.C r/w 392 I.P.C
5.	Crime No.1804 of 2018 on the file of Sessions Court Police Station, Trichy District for the offence under Sections 294 (b), 323 and 506(ii) I.P.C
6.	Crime No.443 of 2020 on the file of Sessions Court Police Station, Trichy District for the offence under Sections 294 (b), 323, 387 and 506(ii) I.P.C
7.	Crime No.658 of 2021 on the file of Sessions Court Police Station, Trichy District for the offence under Sections 147, 148, 294(b), 324 and 506(ii) I.P.C

He would further submit that no previous case is pending against the second petitioner and the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the fact that the first petitioner is a history sheeted rowdy and seven previous cases are pending against him, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Accordingly, this petition is dismissed as against the first petitioner/A1.

6.Insofar as the second petitioner/A2 is concerned, there is no previous case pending against him. considering the facts and circumstances of the case, the nature of offence committed by the second petitioner and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail



to the second petitioner/A2 with certain conditions.

7. Accordingly, this Criminal Original Petition is partly allowed and the second petitioner/A2 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 No.II, Trichy, on condition that the second petitioner/A2 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/A2 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/A2 shall report before the respondent police daily at 10.30. a.m until further orders.

(c) the second petitioner/A2 shall not tamper with the evidence or witness either during investigation or trial;

(d) the second petitioner/A2 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 second petitioner/A2 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/A2 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/08/2021

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

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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.II, Trichy.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Sessions Court Police Station,
Trichy City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.11307 of 2021

Date : 12/08/2021

TR/JC/SAR-IV (23.08.2021) 4P 5C