



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.11509 of 2021

1.Vinoth

2.Viji ... Petitioners/Accused No.1 and Rank Not Known
Vs

The State rep.by,
The Inspector of Police,
Uchipuli Town Police Station,
Uchipuli, Ramanathapuram District.
Crime No.351 of 2021.

... Respondent/Complainant

For Petitioners : M/S.P.RAJESWARI, 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.351 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

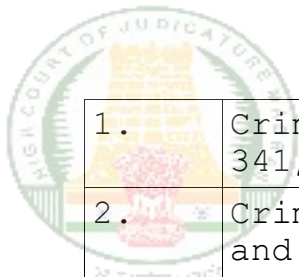
The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 427, 506(2) and 109 I.P.C., in Crime No.351 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the previous motive, on 31.07.2021, some unknown persons have damaged the defacto complainant's vehicle, therefore, the defacto complainant attempted to lodge a complaint before the respondent police, at that time, the petitioners and others have entered into the defacto complainant's shop, abused the defacto complainant in filthy language and also assaulted him. Hence, the complaint.

3.The learned counsel 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.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the second petitioner has not involved in any other offence. However, the first petitioner

<https://hservices.mca.gov.in/hservices/> following four previous cases;



1.	Crime No.161/2017 for the offence under Sections 147, 148, 341, 324, 307 and 302 I.P.C
2.	Crime No.52/2015 for the offence under Sections 294(b), 323 and 506(ii) I.P.C
3.	Crime No.42/2015 for the offence under Sections 294(b), 323 I.P.C.
4.	Crime No.184/2017 for the offence under Section 107 Cr.P.C

5.Considering previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the first petitioner alone.

6.Considering the facts and circumstances of the case and the fact that the second petitioner has not involved in any other offence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner alone and the second petitioner is ordered to be released on bail in the event of arrest or her 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, Ramanathapuram, Ramanathapuram District, on condition that the second 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/ second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.In fine, this Criminal Original Petition is partly allowed.

WEB COPY

/ TRUE COPY /

sd/-
16/08/2021

/ /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.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
UCHIPULI TOWN POLICE STATION, UCHIPULI,
RAMANTHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11509 of 2021
Date :16/08/2021

MSA
MK/JC/SAR.IV/31.08.2021/3P/5C