



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.11548 of 2021

1.Radhakrishnan,

2.Ushapalaniyammal, ... Petitioners/Accused 1 & 2

Vs

The State Through
The Inspector of Police,
usilampatti Town Police Station,
Madurai District. ...Respondent/Complainant

For Petitioners : Mr.J.Senthil Kumaraiah

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.374 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), 341, 323, 324 and 506(ii) I.P.C, in Crime No.374 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 07.08.2021 at about 09.00 p.m., while the de-facto complainant was going to his house, the petitioners along with others waylaid the de-facto complainant, attacked him with knife and wooden stick and thereby, the de-facto complainant sustained injuries. Hence, the present case has been registered.



3.The learned counsel for the petitioners would submit that a counter case has been registered against the de-facto complainant in Crime No.375 of 2021 and on earlier occasion, the first petitioner herein has given a complaint against the de-facto complainant, which was registered in Crime No.362 of 2021 for the offence under Sections 341, 294(b), 323, 427, 506(i) I.P.C and Section 4 of TMPWH Act, for which, the de-facto complainant was arrested and thereafter, released on bail. He would further submit that after releasing on bail, the de-facto complainant had threatened the petitioners herein to withdraw the earlier complaint, attacked them and also gave a false complaint against these petitioners. He would further submit that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and a counter case has been registered in Crime No.375 of 2021 against the de-facto complainant. He would further submit that the petitioners are not having any bad antecedents.

5.Taking into consideration of the facts and circumstances of the case, the fact that it is a counter case, the injured has been discharged from the hospital and also the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Usilampatti, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., 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



55601; and;

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

sd/-
16/08/2021

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

msa

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.I, Usilampatti.

2.Do Through
The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
usilampatti Town Police Station,
Madurai District.

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

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-5493[I] dated 18/08/2021)

ORDER
IN
CRL OP(MD) No.11548 of 2021
Date : 16/08/2021

TR/PN/SAR-II(27.08.2021) 3P 6C