



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

Date : 19/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11731 of 2021

WEB COPY

Saravanakumar

... Petitioner/Accused No.2

Vs

The State through
The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
Cr.No. 837 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Ramsundarvijayaraj.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER:-

For Anticipatory bail in Crime No.837 of 2020 on the file of the Respondent police.

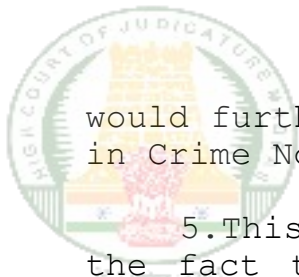
ORDER:The Court made the following order:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 324 and 506(2) of IPC in Crime No.837 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioner and other accused had assaulted the defacto complainant, his cousin and aunt with sickle and wooden stick and abused them with filthy language. The defacto complainant's aunt sustained cut injury in fingers. The defacto complainant also sustained injury in right thumb. Hence, the complaint.

3.The learned counsel for the petitioner submits that this is a case in counter and the injured has been discharged from the Hospital. He also submitted that the co-accused have been granted anticipatory bail by this Court in Crl.OP(MD)No.10133 of 2021 on 29.07.2021. However, to show his *bona fide*, the petitioner has come forward to pay a sum of Rs.5,000/- to the credit of Crime No.837 of 2020 on the file of the respondent Police.

4.The learned Government Advocate (Criminal Side), on instructions, would submit that the injured has been discharged from the Hospital and the co-accused were granted anticipatory bail. He



would further submit that the petitioner is having one previous case in Crime No.108 of 2018 for IPC offences.

5.This is a second anticipatory bail application. Considering the fact that the injured has been discharged from the Hospital, that the co-accused were granted anticipatory bail and that the petitioner in order to show his *bona fide*, has also come forward to pay a sum of Rs.5,000/- to the credit of Crime No.837 of 2020 on the file of the respondent Police, this Court is inclined to grant Anticipatory Bail to the petitioner. Accordingly, this petition is allowed.

6.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 No.III, Trichy on condition that the 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 Judge concerned and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am and 05.00 pm, 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.

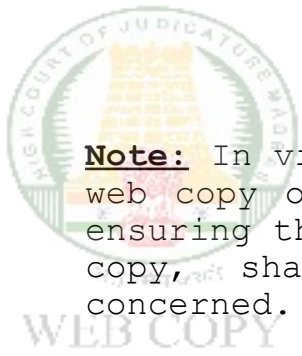
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

SD-
19.08.2021

// True Copy //

/ /2021
Sub Assistant Registrar(CS IV)



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.III,
Trichy
- 2.Do-through The Chief Judicial Magistrate,
Trichy.
- 3.The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.RAMSUNDARVIJAYRAJ, Advocate (SR-5531 Dated 19.08.2021)

CRL OP(MD) No.11731 of 2021
19.08.2021

RS/SKN/SAR4 (08.09.2021) 3P 6C