



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.08.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11846 of 2021

Sathiya Moorthy

... Petitioner/Accused A2

Vs

The State rep.by,
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.552 of 2021)

... Respondent

For Petitioner : Mr.A.Joel Paul Antony, 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.552 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

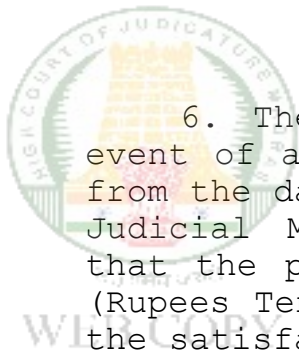
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 326 and 506(2) of IPC in Crime No.552 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his son trespassed into the defacto complainant's land, abused the defacto complainant with filthy language, attacked him and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submits the petitioner is an innocent person and he is falsely implicated in this case.

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

5. Considering the nature of allegation as against the petitioner and the fact that the injured has been discharged from the hospital, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Papanasam, Thanjavur District, 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 Magistrate concerned and on further conditions that:

(a) the 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 petitioner shall report before the respondent police daily at 10.30 a.m, 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]***; and;

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

sd/-

19/08/2021

/ TRUE COPY /

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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,
PAPANASAM, THANJAVUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11846 of 2021

Date :19/08/2021

MBI

MK/JC/SAR.IV/27.08.2021/3P/5C