



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

Date : 07/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11962 of 2021

Suresh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
K.K. Nagar Police Station,
Trichy District
(Crime No. 396 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.SUBASH BABU,
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. 396 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime No.396 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, there was a wordy quarrel between the petitioner and the defacto complainant and consequent to that, the petitioner sprinkled chilly powder and tried to attack the defacto complainant with knife. When the defacto complainant prevented the same, he sustained injuries on his left finger and his wife also sustained injury in this incident. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. Due to business motive, this false complaint has been lodged.



4.The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that the injured has been discharged from the hospital. He further submits that the petitioner is not having any previous case.

5. Considering the nature of allegations levelled against the petitioner and the fact that the injured has been discharged from the hospital and the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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 learned Judicial Magistrate No.II, Trichy, on condition that he 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 Magistrate may obtain a copy of their Aadhar 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 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/-

07/09/2021

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/ /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
TRICHY.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
K.K. NAGAR POLICE STATION,
TRICHY DISTRICT

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

ORDER

IN

CRL OP(MD) No.11962 of 2021

Date : 07/09/2021

SA/JC/SAR.3/14.09.2021/3P/5C