



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.12070 of 2021

1. Govintharaj @ Gopinath

2. Hema @ Hemalatha

... Petitioners/Accused 1 and 2

Vs

State rep.by

The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

(Crime No.440 of 2021)

...Respondent/Complainant

L.Kamaraj

...Petitioner/Intervener

(in Crl.M.P. (MD) No.6373/2021)

For Petitioners : M/s.T.Lenin Kumar, Advocate

For Respondent : M/s.P.Kottai Chamy
Government Advocate (Crl.Side)

For Intervener : Mr.R.Sundar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.440 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), 323 and 506(i) I.P.C, in Crime No.440 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 07.08.2021, the petitioners quarreled with the defacto complainant stating that the defacto complainant's wife unnecessarily quarreled with the second



petitioner. During the quarrel, the petitioners attacked the defacto complainant and caused injury on his nose and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit 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) would submit that the injured was discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also the fact that the injured has been discharged from the hospital, 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.III, Trichy, 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 first petitioner/A1 shall report before the respondent police daily at 10.30 a.m until further orders.

(c) the second petitioner/A2 shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW**



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

WEB COPY

/ TRUE COPY /

Sd/-
31/08/2021

/ /2021
Sub-Assistant Registrar (C.S.III)
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.III
TRICHY.
2. THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE,
MANNACHANALLUR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12070 of 2021
Date :31/08/2021