



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12271 of 2021

1.U.Nagarajan

2.Nagaselvi

... Petitioners/Accused Nos.1&2

Vs

State Rep by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
(Crime No. 400/2021).

... Respondent/Complainant

For Petitioners : Mr.C.Gangai Amaran, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.400 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 427, 448, 324 and 506(ii) IPC in Crime No.400 of 2021, seek anticipatory bail.

2.The prosecution case is that the defacto complainant restrained the petitioners' son from bicycling in the pebbles, which were spread for laying the road. Triggered over the same, the petitioners and other accused have started a wordy quarrel and in that scuffle, the petitioners have attacked the defacto complainant. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail. He further submitted that the second petitioner is working as a Teacher in the Government Aided School, Kalaiyarkovil Taluk, Sivagangai District.

4.Learned Government Advocate (Crl. Side) appearing for the respondent, on instructions, submitted that the injured has been discharged from the hospital on 23.08.2021. He further submitted that the petitioners are not having any previous case to their credit.

5.Considering the facts and circumstances of the case, nature of allegation levelled against the petitioners, the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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, Sivagangai, 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 as and when required for interrogation.

(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 have been 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

gk

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,
SIVAGANGAI.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12271 of 2021

Date :26/08/2021

PKP/JC/SAR-2/07.09.2021/3P/5C