



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

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD) . No.12338 of 2021

1. Elangovan,

2. Jaisankar,

... Petitioners / Accused 1 & 2

Vs

State Rep. by

The Inspector of Police,  
Patteeswaram Police Station,  
Thanjavur District.

Cr.No. 502 of 2021.

... Respondent / Complainant

For Petitioner : M/s.Karunakaran K.M.,  
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.502 of 2021 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

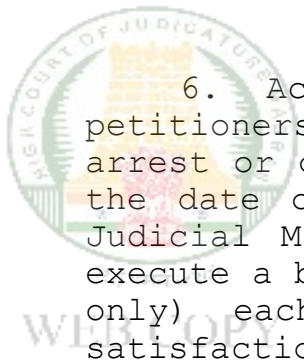
The petitioners/A1 and A2, who apprehend arrest at the hands of  
the respondent Police, for the offence punishable under Sections 294  
(b), 324 and 506(ii) IPC, in Crime No.502 of 2021, on the file of  
the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity,  
the petitioners abused the defacto complainant in filthy language,  
assaulted him and also caused injuries. The petitioners also  
threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submits that the  
petitioners are innocents and they have not committed any offence as  
alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that  
the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the  
nature of allegations 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.



6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed to be released on bail in the event of arrest or on 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.II, Kumbakonam, on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioners shall not tamper with 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
20/09/2021

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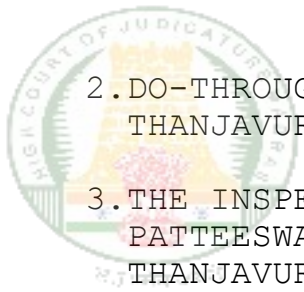
/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

OGY

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

1.THE JUDICIAL MAGISTRATE NO-II, KUMBAKONAM.



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

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

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

ORDER IN  
CRL OP(MD) No.12338 of 2021  
Date :20/09/2021

SB/SKN/SAR-II/24.09.2021/3P/5C