



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)Nos.12328 and 10330 of 2021

Gokul @ Gokulnath

... Petitioners/Accused No.1
in Cr1.OP.No.12328 of 2021

Praveen Kumar

...Petitioner/Accused No.2
in Cr1.OP.No.10330 of 2021

Vs

The State Rep. by
The Inspector of Police,
Thalaimuthunagar Police Station
Thoothukudi District
Crime No.245 of 2021

...Respondent/Complainant
in Both the petitions

For Petitioners : Mr.R.Maheswaran, Advocate
in Cr1.OP.No.12328 of 2021.

Mr.M.SAAI SANTHOSH, Advocate
in Cr1.OP.No.10330 of 2021.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Cr1.Side)
in Both the Petitions.

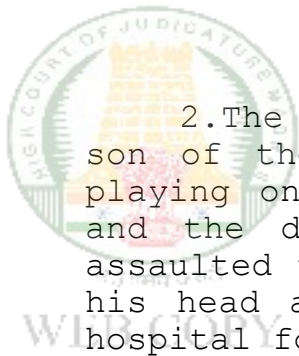
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.245 of 2021 on the file of
the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 448, 294(b), 324 and 506(ii) I.P.C and Section 4 of Tamil
Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.245
of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and the son of the defacto complainant namely Sudhan are friends. While playing on-line game, there was a dispute between the petitioners and the defacto complainant's son. Due to that the petitioners assaulted the defacto complainant's son and caused severe injury on his head and also on his eye, for which, he was admitted in the hospital for more than 20 days. Hence, the complaint.

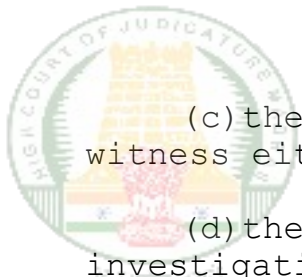
3.The learned counsel for the petitioners would submit that since the dispute arose between the friends, he advised the petitioners to pay some amount to the defacto complainant's son for medical treatment without prejudice to their case before the trial Court. Accordingly, the petitioner/A2 has paid a sum of Rs.5,000/- to the defacto complainant for medical expenses through D.D. The first accused has also come forward to pay a sum of Rs.10,000/- towards medical expenses to the victim, without prejudice to his case before the trial Court.

4.Considering the facts and circumstances of the case, the fact that the dispute arose between the friends while playing on-line game and their willingness to pay some amount to the victim for medical expenses, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, these Criminal Original Petitions are allowed on condition that accused no.2 shall take a Demand Draft for a sum of Rs.5,000/ and accused no.1 shall take a Demand Draft for a sum of Rs.10,000/- in favour of the victim towards medical expenses without prejudice to their case before the trial Court. The said demand drafts shall be handed over to the victim through the respondent police. The petitioners shall furnish the sureties along with the xerox copies of the D.Ds which have been handed over to the respondent police before the learned Judicial Magistrate Court No.II, Thoothukudi.

5.On production of such xerox copies, 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.II, Thoothukudi 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 appear before the respondent police daily at 10.30 a.m until further orders.



(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/09/2021

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Sub-Assistant Registrar (C.S.)
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 II
THOOTHUKUDI.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12328

& 10330 of 2021

Date :13/09/2021

PKP/JM/SAR-2/29.09.2021/3P/5C

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