



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

Date : 02/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12459 of 2021

WEB COPY

B.Arichandran,

... Petitioner/Accused-1

Vs

State Rep.by

The Inspector of Police,
Chinnamanur Police Station,

Theni District.

(Crime No. 1022 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Radha Pandian R,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1022 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 324, 341 and 506(ii) IPC in Crime No.1022 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that due to matrimonial
dispute between the petitioner and the de-facto complainant's
daughter, the petitioner and A2 dashed the de-facto complainant and
his daughter by using their bike and thereafter, the petitioner
attacked the de-facto complainant with bike chain and A2 along with
other accused threatened the de-facto complainant by showing knife
and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner submits that the
petitioner is innocent, he has not committed any offence as alleged
by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the
respondent, on instructions, would submit that the injured has been

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



discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and the fact that it is a matrimonial dispute and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

6. Accordingly this petition is allowed and the petitioner is ordered 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, Uthamapalayam, on condition that the petitioner 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

sd/-
02/09/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RADHA PANDIAN R Advocate SR.No.5896

ORDER

IN

CRL OP(MD) No.12459 of 2021

Date :02/09/2021

RD/SKN/SAR-III(9.09.2021) 3P 6C