



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.09.2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12746 of 2021

Nambu Kumar

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.302/2021)

... Respondent/Complainant

For petitioner : Mr.M.S.Jeyakumar, 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 Crime No.302 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 & 506(ii) of I.P.C, in Crime No.302 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are close relatives. On 26.08.2021, when the defacto complainant went to the petitioner's shop, there was a wordy quarrel between them and the petitioner by giving life threat, attacked the defacto complainant with bottle. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. He did not commit any offence as alleged by the prosecution. He would further submit that the petitioner's sister married the defacto complainant's brother and there is a matrimonial dispute. However the defacto complainant lodged the present false complaint impleading the petitioner.

5.The learned Additional Public Prosecutor submits that it is a matrimonial dispute and injured has been discharged from the



6. Considering the nature of allegations and the fact that the dispute is arising between close relatives on matrimonial dispute and the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudukulathur, 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 learned 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]***; and;

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

sd/-
14/09/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MUDHUKULATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1 CC to MR.M.S.JEYAKARTHIK, Advocate (SR-6218[I] dated 14/09/2021)

ORDER
IN
CRL OP(MD) No.12746 of 2021
Date :14/09/2021

TM
MK/VR/SAR.I/22.09.2021/3P/6C