



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12809 of 2021

T.Subash @ Subash Chandrabose, ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District. ... Respondent/Complainant

For Petitioner : M/s.Chandrasekaran 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.173 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 offence punishable under Sections 147, 148, 447, 448, 427, 452, 294(b), 323, 324, 506(ii) and 380 IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are close relatives. During a temple festival, there was a wordy quarrel between the defacto complainant's family and the petitioner's family, due to which, on 14.07.2021, the petitioner along with other accused unlawfully assembled together with weapons and trespassed into the house of the defacto complainant, abused him and his family members in filthy language, and caused injuries with sticks and caused injuries and also threatened



with dire consequences. They also damaged the bike of the defacto complainant and took away the cash of Rs.2,00,000/- and jewels from the house.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. During a temple festival, there was an altercation, for which, the defacto complainant has foisted this false complaint against the petitioner. He further submits that the petitioner is a College student and he is not a habitual offender. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that apart from this case, the petitioner is having one previous case. He further submits that the co-accused were granted anticipatory bail by the lower Court.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the co-accused were granted anticipatory bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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 Principal Sessions Judge, Tirunelveli, on condition that he 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 Judge concerned and on further conditions that:

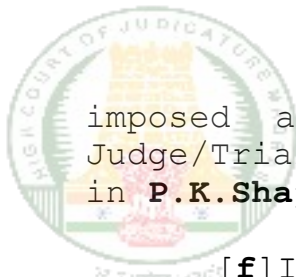
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders;

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

sd/-
07/09/2021

/ TRUE COPY /

/ /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

1. The learned Principal Sessions Judge,
Tirunelveli.
2. The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12809 of 2021
Date : 07/09/2021

TR/SKN/SAR-IV(17.09.2021) 3P 4C