



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.13002 of 2021

1. Jesudoss

2. Ragul @ Ragavendran

... Petitioners No.1 & 2/
Accused No. 1 & 2

Vs

The State rep., by
Inspector of Police,
Airport Police Station,
Tiruchirappalli.
(Crime No.362 of 2021).

... Respondent/Complainant

For Petitioners : M/s.V.Vishnu, Advocate

For Respondent : M/s.P.KOTTAI CHAMY,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.362 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 323 & 506(ii) of I.P.C, in Crime No.362 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an auto driver. On 28.08.2021, when he was returning to his home, he entered into Vishwagarma Nagar, at that time he saw a lorry coming straight opposite to him. Therefore, the defacto complainant had questioned the same, for which a wordy quarrel arose between them and the accused persons pushed down the defacto complainant and threatened him. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that this is a case in counter.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed. He further submitted that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered 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 Judicial Magistrate No.VI, Tiruchirappalli 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 respondent police as and when required, 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/-
07/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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.

TO

1. THE JUDICIAL MAGISTRATE -VI,
THIRUCHIRAPPALLI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TIRUCHIRAPPALLI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13002 of 2021

Date :07/09/2021

SP/PN/SAR III/12/10/2021/3P/5C