



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

Date : 15/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13532 of 2021

WEB COPY

R.Pandian,

... Petitioner/Accused No.3

Vs

State rep by

The Inspector of Police,
Chinnamanur Police Station,
Theni District.

Cr.No.1022 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Radha Pandian R,
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. 1022 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of respondent Police, for the offence punishable under Sections 294(b), 324, 341 & 506(ii) IPC in Cr.No.1022 of 2021, seeks anticipatory bail.

2. The first accused is the son-in-law of the defacto complainant. There is a matrimonial dispute between the first accused and the defcto complainant. On 23.08.2021, when the defacto complainant was travelling in his bike with his grand-daughter, who was pregnant, the first and second accused dashed against their bike, as a result of which, they fell down and consequent to that, there was an altercation between them. The accused persons abused them in filthy language and caused injury by using bike chain. They also threatened them with dire consequences.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence. The petitioner/A3 is the friend of the first accused. Therefore, this false complaint has been lodged against him. He further submits that the first accused was granted anticipatory bail.



4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the first accused was granted anticipatory bail, 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 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 daily at 10.30 a.m. until further orders.

[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 is 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]**;

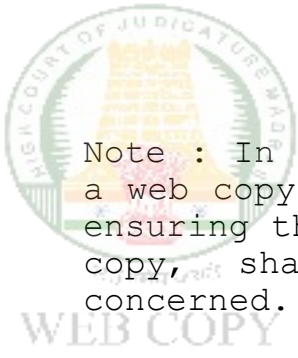
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/09/2021

/ 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 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.R.RADHA PANDIAN, Advocate (SR-6277[I] dated 16/09/2021)

ORDER IN
CRL OP(MD) No.13532 of 2021
Date : 15/09/2021

TR/SKN/SAR-IV(20.09.2021) 3P 6C