



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

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD) .No.13603 of 2021

WEB COPY

A.Mathan

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu Rep.by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Crime No.331/2021).

... Respondent / Complainant

For Petitioner : M/s.Pinaygash.I,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For the Anticipatory bail in the Crime No.331/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) of IPC, in Crime No.331 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that on 08.08.2021 while he was purchasing shampoo pocket and hair oil in the grocery shop, there was a wordy quarrel between him and accused Nos.2 & 3 regarding who is purchasing things from the shop first. The petitioner threatened and assaulted the defacto complainant with wooden log and tried to hit by car.

3. The learned counsel appearing for the petitioner would submit that petitioner is an innocent, he has not committed any offence as alleged by the prosecution. Due to the wordy quarrel, the alleged occurrence had taken place.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to wordy quarrel, this petitioner

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



already been discharged from the hospital on the next day of occurrence. This petitioner is having one previous case.

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

6.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 No.V, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Court 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 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 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/-
16/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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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 NO.V,
TIRUNELVELI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.13603 of 2021

Date :16/09/2021

SB/SKN/SAR-IV/23.09.2021/3P/5C