



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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.13723 of 2021

1. Thangapandi,

2. Chinnasamy,

... Petitioners/Accused No.1 & 2

Vs

State

The Inspector of Police,
M. Kallupatti Police Station,
Madurai District.

(Crime No. 104 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Thavasi@boomi R,
Advocate.

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

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

PRAYER :-

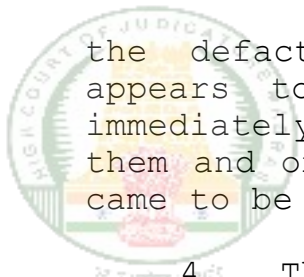
For Anticipatory Bail in Crime No.104 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 342, 324 and 506(ii) IPC in Crime No.104 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the son-in-law of the second petitioner and brother-in-law of the first petitioner. Due to quarrel with his wife, the defacto complainant left the house and when he was in the Bus Stand, the petitioners came there, abused him in filthy language, attacked him and caused injuries on his head.

3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. In fact, the defacto complainant had a fight with his wife, which led to physical assault upon her and on knowing the same, the petitioners went to the Bus Stand and tried to convince the defacto complainant to return home. But, the defacto complainant insulted them, took a stone lying nearby and attacked the petitioners. The petitioners escaped from the physical attack of



the defacto complainant. Thereafter, the defacto complainant appears to have stumbled and injured himself. The petitioners immediately admitted him in the hospital, where, the Police enquired them and on ascertaining the facts, an FIR in Crime No.105 of 2021 came to be registered against the defacto complainant.

4. The learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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 learned Judicial Magistrate No.II, Usilampatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

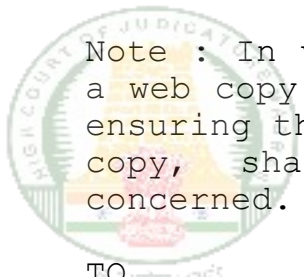
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid 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/-
17/09/2021

/ 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 concerned.

TO

1. THE LEARNED JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
M. KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.13723 of 2021
Date : 17/09/2021

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