



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.13791 of 2021

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Maruthu@nadavi

... Petitioner/Accused No 5

Vs

The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.
Cr.No.980 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Sundararaj V,
Advocate.

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

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

PRAYER :-

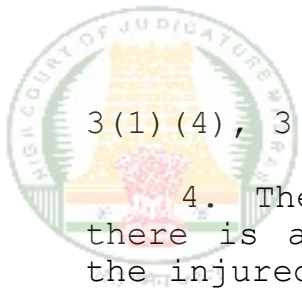
For Anticipatory bail in Crime No.980 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 448, 294(b), 324 & 506(2) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992, in Crime No.980 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive against the defacto complainant with regard to some matters posted on facebook, the petitioner along with other accused entered into the defacto complainant's political party office with deadly weapons, abused him in filthy language and attacked him with wooden logs and caused injuries.

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. He further submits that the defacto complainant is a member of the political party and due to previous political motive, this false complaint has been lodged. In fact, in this incident, both the parties attacked with each other. Therefore, a case has been registered against the defacto complainant in Cr.No.981 of 2021 for the offence under Sections 448, 294(4), 323, 506(ii), 109 IPC and Section 4 of TNPHW Act and Section



3(1)(4), 3(1)(s) of SC/ST (POA) Act.

4. The learned Government Advocate (Crl. Side) submits that there is a general allegation levelled against the petitioner and the injured has been discharged from the hospital.

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5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and there is a general allegation levelled against the petitioner, 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 Judicial Magistrate Court, Nilakkottai, 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 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/-

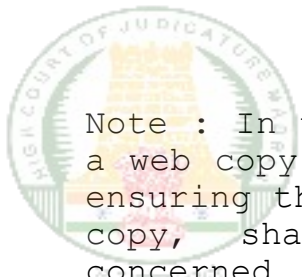
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

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TO

- 1 THE JUDICIAL MAGISTRATE COURT,
NILAKKOTTAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, BATLAGUNDU,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SUNDARARAJ V Advocate SR.No.6387

ORDER
IN
CRL OP (MD) No.13791 of 2021
Date :17/09/2021

RD/SKN/SAR-II (23.09.2021) 3P 6C