



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.13944 of 2021

WEB COPY

K.Rajendran

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
North Police Station,
Karaikudi,
Sivagangai District.
(Crime No.72/2021).

... Respondent/Complainant

For Petitioner : M/s.G.Thiruvavutselvar,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 72 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
447, 294(b), 468, 471, 420, 506 (ii) of IPC and 4 of TNPWH Act, in
Crime No.72 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive,
the petitioner abused the defacto complainant in filthy language and
also attacked him with Aruval and Woodenlog. Therefore, the present
case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He would further submit that the petitioner and the
defacto complainant are brothers.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police submitted that the injured person has been
discharged from the hospital.



5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered 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, Karaikudi, 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 appear 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]**.

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

sd/-
21/10/2021

(*) Corrected as per order of this Court dated 16/12/2021 in CRL OP(MD)No.13944/2021.

Further time of fifteen days is granted to the petitioner to furnish sureties.

/ TRUE COPY /

/ /2022
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 BE SUBSTITUTED WITH THE ORDER DATED 21/10/2021 ALREADY DESPATCHED.

TO

- 1.THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.13944 of 2021
Date :21/10/2021

SB/JM/SAR-II/26.10.2021/3P/5C
USK/JC/SAR-IV/10.01.2022/3P/5C