



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

Date : 01/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD). No.14801 of 2021

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Govintharaj

... Petitioner/Accused no.1

Vs

The State Rep.by,  
The Inspector of Police,  
Aruppukottai Town Police Station,  
Virudhunagar District.  
Crime No.185 of 2021

... Respondent/Complainant

For Petitioner : M/s.Karunanithi.M,  
Advocate.

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

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

PRAYER :-

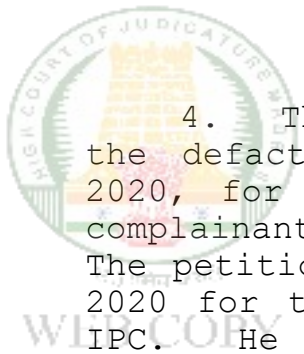
For Anticipatory Bail in Crime No.185 of 2021 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the  
respondent Police, for the offence punishable under Sections 341,  
294(b), 323 and 307 IPC, in Crime No.185 of 2021, on the file of the  
respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.09.2021, due to  
previous enmity, the petitioner and other accused waylaid the  
defacto complainant's brother, namely, Jeyabackiam and his friend,  
abused them in filthy language and attacked them with knife 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 and he has been falsely implicated in  
this case. Hence, he prayed for grant of anticipatory bail to the  
petitioner.



4. The learned Government Advocate (Crl. Side) submits that the defacto complainant assaulted the petitioner/A1 in the year 2020, for which, a case has been registered against the defacto complainant and as a retaliation, this occurrence had taken place. The petitioner is also involved in another case in Crime No.379 of 2020 for the offence punishable under Sections 294(b) and 506(ii) IPC. He further 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 petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions, since the petitioner is involved in another case in Crime No.379 of 2020. Accordingly, the Criminal Original Petition is allowed on condition that the petitioner, without prejudice his defence in this case, shall take two demand drafts, each for a sum of Rs.5,000/- (Rupees Five Thousand only), in the name of two victims and hand it over to the Investigating Agency, who in turn shall hand it over to the victims.

6. On filing a proof of handing over the demand drafts, each for a sum of Rs.5,000/-, to the victims, along with a copy of the demand drafts, 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, Aruppukottai, Virudhunagar District, 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 respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-  
01/10/2021

/ 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 JUDICIAL MAGISTRATE,  
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
ARUPPUKOTTAI TOWN POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KARUNANITHI.M Advocate SR.No.6834  
ORDER  
IN  
CRL OP(MD) No.14801 of 2021  
Date :01/10/2021

RK/SKN/SAR-IV (11.10.2021) 3P 6C