



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/10/2021

WEB COPY

PRESENT

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

**CRL OP(MD) . No.14573 of 2021**

Sakthivel

... Petitioner/Accused-2

Vs

State rep.by  
The Inspector of Police,  
Mayanoor Police Station,  
Karur District.  
(Crime No.556 of 2021).

... Respondent

For Petitioner : M/s.Jeyaram Siddarth N, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

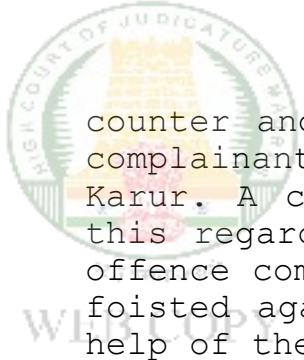
For Anticipatory Bail in Crime No.556 of 2021 on the file of the Respondent Police.

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 147, 148, 294(b), 307 of IPC in Crime No.556 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner attacked the defacto complainant. 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 further submitted that it is a case of case in



counter and the accused No.1 was brutally assaulted by the defacto complainant and he is taking treatment in the Government Hospital, Karur. A complaint was also registered in Crime No.555 of 2021 in this regard. He further submitted that in order to escape from the offence committed in Crime No.555 of 2021, the present case has been foisted against the petitioner by the defacto complainant with the help of the respondent Police.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the the investigation is yet to be completed and the victim is still taking treatment in the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and the fact that it is a case in counter, 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 District Munsif cum Judicial Magistrate, Krishnarayapuram, 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 as and when required.

[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.

WEB COPY

Sd/-  
05/10/2021

/ TRUE COPY /

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

ssb

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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE,  
KRISHNARAYAPURAM.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,  
MAYANOR POLICE STATION,  
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.14573 of 2021  
Date : 05/10/2021