



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.14836 of 2021

1. VIJAY
2. SAMINATHAN

... PETITIONERS/ACCUSED RANK NOT KNOWN

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.1155 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.L.DHILIPAN PANDIAN, Advocate for
M/s.Beski Moventhan, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

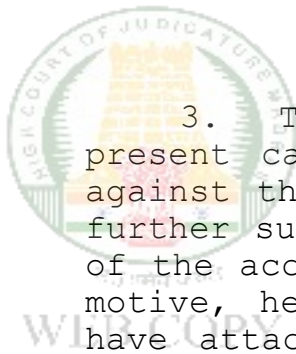
PRAYER :-

For Anticipatory Bail in Crime No. 1155 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 447, 294(b), 323, 324 and 506(ii) of IPC, altered into Sections 307 and 448 of IPC, r/w. 34 of IPC, in Crime No. 1155 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 06.08.2021, when the defacto complainant was present in his office, after finishing his work, the petitioners along with other accused persons entered into the defacto complainant's office, abused him in filthy language, attacked him with aruval and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners submits that the present case is a false one and it has been purposely lodged as against the petitioners with an ulterior motive to harass them. He further submits that the defacto complainant had not identified any of the accused persons, who attacked him and only due to political motive, he later included the name of the petitioners as if they have attacked him, during the investigation. He further submits that the co-accused was enlarged on bail by this Court in CrI.O.P. (MD)No.14172 of 2021 vide order dated 23.09.2021 on the ground that the injured has been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the investigation is yet to be completed. He fairly admitted that the co-accused was granted bail by this Court in CrI.O.P.(MD)No.14172 of 2021 vide order dated 23.09.2021 on the ground 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 co-accused was granted bail by this Court in CrI.O.P. (MD)No.14172 of 2021 vide order dated 23.09.2021 on the ground 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 allowed. The petitioners are ordered 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.I, Kumbakonam, Thanjavur District, 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 respondent police or the police officer who intends to arrest or 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 daily at 10.30 a.m. until further orders;

[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/-
01/10/2021

/ 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 JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14836 of 2021
Date :01/10/2021