



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.14834 of 2021

WEB COPY

Rajaji

... Petitioner / Accused No.1

Vs

State Through the
The Inspector of Police,
Muthaiahpuram Police Station,
Turicorin.
Crime No.255 of 2021

... Respondent / Complainant

For Petitioner : Mr.V.Malaiyendran,
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.255 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest for the offence under Sections 109, 341, 294(b), 324 and 506(ii) I.P.C, in Crime.No.255 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 is the brother and accused no.2 is the mother of the defacto complainant. Due to property dispute, the petitioner assaulted the defacto complainant.Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that there was a dispute between the family members with regard to ancestral properties and the investigation is yet to be completed.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner,



the fact that it is a civil dispute and also considering the petitioner's relationship with the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court No.II, Tuticorin 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 for interrogation.

[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/-
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.

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- TO
- 1.THE JUDICIAL MAGISTRATE NO.II,
TUTICORIN.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
 - 3.THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
TUTICORIN.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.14834 of 2021
Date :01/10/2021

SB/JC/SAR-I/06.10.2021/3P/5C