



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

Date : 06.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15172 of 2021

B.Nagendran

... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
West Police Station,
Kovilpatti,
Tuticorin District.
(Crime No.838/2021)

... Respondent/Complainant

For Petitioner : M/s.B.Rajesh Saravanan, Advocate

For Respondent : M/s.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.838 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, apprehending arrest at the hands of the respondent police for the offence under Sections 341, 294(b), 323, 307 & 506(ii) IPC, in Crime No.838 of 2021, seeks anticipatory bail.

2. The prosecution case is that the petitioner and other accused persons, on the premise that the defacto complainant is giving information about them to the police, have assaulted the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as



alleged by the prosecution. Therefore, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl. Side), on instructions, submitted that the occurrence had taken place on 22.09.2021 and the injured has been discharged from the hospital on 23.09.2021.

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

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, 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 learned 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 daily at 10.30 am;

[c] the petitioner shall not tamper with the evidence or witness either during the investigation or trial;

[d] the petitioner shall not abscond either during the 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 have been 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
06/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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.II,
KOVILPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
WEST POLICE STATION, KOVILPATTI,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.15172 of 2021

Date :06/10/2021

SP/SKN/SAR I/12/10/2021/3P/5C