



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15083 of 2021

R.Mani

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Thathaiyangarpet,
Trichy District.
Crime No.316 of 2021

... Respondent/Complainant

For Petitioner : Mr.Thangapandian.R,
Advocate.

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

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

PRAYER :-

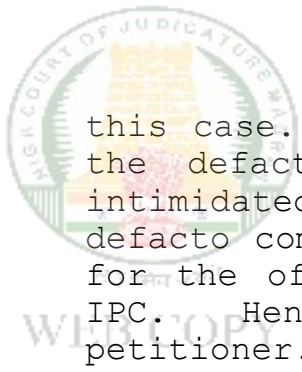
For Anticipatory Bail in Crime No.316 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.316 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that there is a civil dispute between the defacto complainant and one Murugapandi, who is the friend of the petitioner. Due to that motive, on 17.09.2021, at about 10.00 a.m., the petitioner abused the defacto complainant in filthy language, attacked him with wooden log, caused injuries and also intimidated him.

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. In fact, on the date of occurrence, at about 8.00 p.m. the defacto complainant only attacked the petitioner and also intimidated him. Hence, the petitioner gave a complaint against the defacto complainant and the same is registered as Cr.No.317 of 2021 for the offence punishable under Sections 294(b), 324 and 506(ii) IPC. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed and 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.

6. Accordingly, this Criminal Original Petition is allowed. 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, Thuraiyur, Trichy 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 at 10.30 a.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 is 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]**.

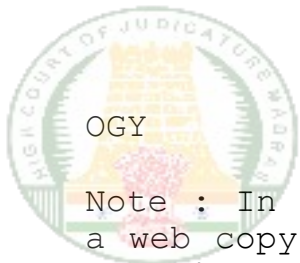
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

05/10/2021

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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,
THURAIYUR, TRICHY DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THATHAIYANGARPET,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.R.THANGAPANDIAN, Advocate (SR-6912[I] dated
05/10/2021)

ORDER
IN
CRL OP(MD) No.15083 of 2021
Date : 05/10/2021

VB/SKN/SAR-II/21.10.2021/3P/6C