



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.14839 of 2020

Adaikala Suresh Kumar @ Suresh Kumar ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.311 of 2020).

... Respondent

Santhiyagu

... Petitioner/Intervener
in CRL MP(MD)No.7712/2020
in CRL OP(MD)No.14839/2020

For Petitioner : Mr.K.Muthuvai Ilayaraja, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.Jeyakarthick, Advocate

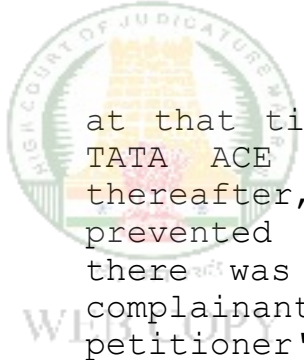
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.311 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / sole accused apprehending arrest at the hands of the respondent police for the offence punishable under sections 341, 294(b), 355, 323, 324 and 506(i) of I.P.C., in Crime No.311 of 2020 on the file of the respondent police, seeks anticipatory bail.



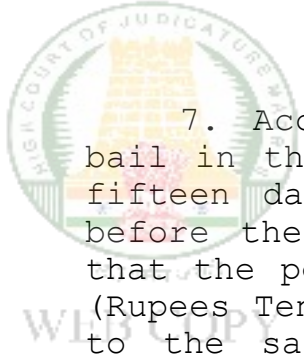
at that time, the petitioner had followed and overtook him in his TATA ACE vehicle, bearing Registration No.TN 55 AF 1418 and thereafter, attacked him on his face by stating that why he prevented him in taking part in the auction of a shop. Further, there was a dispute between the petitioner and the *de facto* complainant and for which, the case is pending, in which, the petitioner's wife is to depose against the petitioner and therefore, the petitioner attacked the complainant with a wooden log and the *de facto* complainant got injury on his face and all over his body. Thereafter, the complaint was lodged.

3.The contention of the petitioner is that there was a scuffle between the petitioner and the *de facto* complainant and the *de facto* complainant only attacked him and he sustained injuries. The petitioner has not caused any injury to the *de facto* complainant, however, the *de facto* complainant has lodged a counter complaint as against this petitioner in Crime No.312 of 2020 for the offence punishable under Sections 341, 294(b), 323, 336 and 506(i) IPC. The petitioner had sustained injuries due to the attack by the *de facto* complaint, but to escape from the clutches of law, the *de facto* complainant had lodged the above complaint.

4.The learned Government Advocate (Crl Side) submitted that the *de facto* complainant had been badly injured in this case and sustained nasal bone fracture and initially, he took treatment from 07.12.2020 to 12.12.2020 in the Government Hospital, Ramanathapuram and thereafter, he was referred to the Government Hospital, Madurai and he had taken treatment from 25.12.2020 and he is now discharged and advised regular check-up, a nasal surgery needs to be done to rectify the nasal fracture. The petitioner and the *de facto* complainant had some disputes among them for quite sometimes and for that dispute, the petitioner had assaulted the *de facto* complainant.

5.The learned Counsel for the *de facto* complainant submitted that the *de facto* complainant's wife is to depose against the petitioner in S.T.C.No.250 of 2015 before the learned Judicial Magistrate, Thiruvadanani, to deter her from deposing against the petitioner, the *de facto* complainant was assaulted and the *de facto* complainant had sustained injury and he had taken treatment as inpatient till 25.12.2020. Further he had been advised by the Doctor to continue his treatment and therefore, he stayed nearby the hospital and the *de facto* complainant had spent Rs.50,000/- for his medical expenses so far.

6.Considering the rival submissions made on either side, the petitioner is directed to pay a sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] to the *de facto* complainant or to his family members. This amount of Rs.25,000/- is directed to be paid, only on a humanitarian ground and it cannot be in any manner considered that the petitioner has admitted is guilt.



7. Accordingly, 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, Thiruvadanai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and shall produce the receipt or proof for having paid a sum of Rs.25,000/- [Rupees Twenty Five Thousand Only] to the *de facto* complainant, on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30am for a period of two weeks and thereafter, report as and when required for interrogation.

(c) the petitioner shall not tamper with 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2021

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/ /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, THIRUVADANAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-195[I] dated 11/01/2021)
+1 CC to M/s.K.MUTHUVAI ILAYARAJA, Advocate (SR-242[I] dated
18/01/2021)

ORDER

IN

CRL OP(MD) No.14839 of 2020

Date :08/01/2021

DSK

TE/KV/SAR-I : 20/01/2021 : 4P/7C