



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15444 of 2021

1. Senthil Kumar
2. Devanand
3. Jeyasurya

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Tuticorin District.
(Crime No.862 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran.C, Advocate.

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.862 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 alleged offences punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.862 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 01.10.2021, the petitioner Nos.2 and 3 rode their motorcycle through the defacto complainant's field. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in

filthy language and also attacked him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have been falsely implicated in this case. Further, he seeks permission of this Court to withdraw the petition in respect of the third petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured has been discharged from the hospital.

5. Since the learned counsel appearing for the petitioners seeks permission of this Court to withdraw the petition in respect of the third petitioner, this Criminal Original Petition is dismissed as withdrawn in so far as the third petitioner is concerned.

6.Considering the facts and circumstances of the case, the nature of allegations against the petitioner Nos.2 and 3 and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner Nos.1 and 2.

7.Accordingly, this Criminal Original Petition is allowed in so far the petitioner Nos.1 and 2 are concerned and the petitioner Nos.1 and 2 are ordered to be released on bail in the event of arrest or 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.II, Kovilpatti, on condition that the petitioner Nos.1 and 2 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 learned Magistrate concerned and on further conditions that:

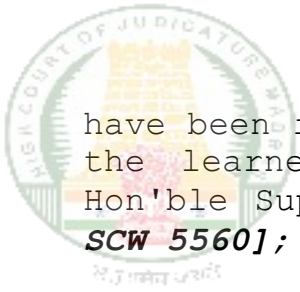
(a)the petitioner Nos.1 and 2 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner Nos.1 and 2 shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioner Nos.1 and 2 shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner Nos.1 and 2 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 petitioner Nos.1 and 2 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 Nos.1 and 2 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
08/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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,
KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15444 of 2021
Date : 08/10/2021