WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15711 of 2021

1. Nagarajan
2. Vijayaraj ... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.263 of 2021) ... Respondent/Complainant

For Petitioners : Mr.B.ARUN,
Advocate.
For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-
For Anticipatory Bail in Crime No.263 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 @ 326 of IPC, in Crime No.263 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners attacked the defacto complainant and he sustained fracture in his leg. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that it is a case of case in counter, however, to show their bonafide, the petitioners are ready to pay a sum of Rs.30,000/- to the defacto complainant.

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

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed and the defacto complainant is not willing to receive the amount.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and his willingess to pay a sum of Rs.30,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners 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, Theni on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall draw a Demand Draft for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) and hand over the same to the respondent Police. If the defacto complainant is not willing to receive the amount, the respondent Police is directed to deposit the amount to the credit of Crime No.263 of 2021 before the learned Judicial Magistrate, Theni;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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/ petitioners 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE
THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15711 of 2021
Date :08/10/2021

SA/SKN/SAR.2/21.10.2021/3P/5C

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