



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15772 of 2021

Remigius Yesuraj ... Petitioner/Accused No.2

Vs

State Rep. by,
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
In Cr.No.234 of 2021. ... Respondent/Complainant

For Petitioner : Mr.J.William Christoper,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

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

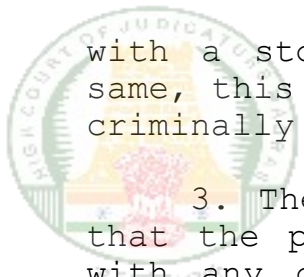
PRAYER :-

For Anticipatory Bail in Crime No.234 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323, 324 & 506(ii) of IPC, in Crime No.234 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.09.2021 at about 4.45 hours while the defacto complainant was returning home after attending a marriage function at Mannadi Mangalam, all the accused standing nearby Pathaneerkadai diversion, waylaid the defacto complainant and demanded money from the de-facto complainant. When he refused, all the accused pushed down his motor cycle. When one Thiagarajan an Advocate, who questioned the same, this petitioner pulled him from his car and A1 assaulted him on his right eyebrow



with a stone. When the defacto complainant tried to prevent the same, this petitioner assaulted him by using a wooden log and others criminally intimidated both of them.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he is in no way connected with any of the allegations as leveled against him. He would further submit that there was a wordy quarrel between A1 and the defacto complainant on the alleged day of occurrence that culminated into a scuffle. The defacto complainant and the advocate Mr.Thiagarajan are friends and they have attacked A1 at the spot and the defacto complainant later came to the hotel run by the father of this petitioner and assaulted him for having accompanied A1 and to avoid criminal prosecution he deliberately indicated the name of this petitioner in this case. The father of this petitioner has lodged a complaint against the defacto complainant and his friend before the Sholavandan Police Station but no case has been registered so far.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that injured has been treated as out patient and the investigation has also been substantially completed.

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation against this petitioner, injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original 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, Vadipatti, 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:

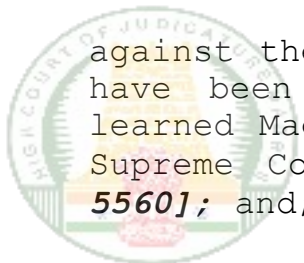
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 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 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/-

15/11/2021

/ TRUE COPY /

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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, VADIPATTI,
MADURAI
2. DO-TROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE,
THE INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.WILLAM CHRISTOPHER J, Advocate (SR.No.8090)

ORDER

IN

CRL OP(MD) No.15772 of 2021

Date : 15/11/2021

MGJ/CN/SAR IV(19.11.2021) 3P 6C