



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15795 of 2021

1. Pushparaj,
2. Venkadesh @ Venkatesh Kumar,
3. Thamarai Selvan, ... Petitioners/Accused Nos.2 to 4

Vs

State Rep by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Cr.No.293 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mohideen Basha N.
Advocate

For Respondent : R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

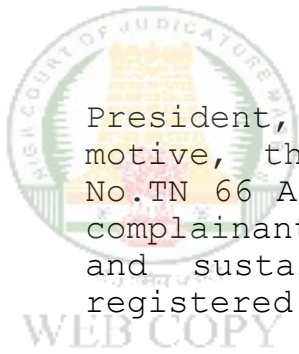
For Anticipatory bail in Crime.No. 293 of 2021 on the file of the Respondent Police

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 307, 427 and 109 of IPC in Crime No.293 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 27.09.2021, at about 11.00 a.m., when the defacto complainant, who is the Panchayat

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



President, was talking in front of his Office, due to previous motive, the first accused drove the vehicle bearing Registration No.TN 66 AD 4266 in a rash and negligent manner and hit the defacto complainant, due to which, he suffered contusion behind his head and sustained injury. Hence, the present case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that overact is only against one Rajkumar, who is the first accused and no overact is against these petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that no previous case is pending against the petitioners and that the investigation is pending.

5.Taking into consideration the facts and circumstances of the case, the fact that overact is only against one Rajkumar, who is the first accused and no overact is against these petitioners and also the fact that there is no previous case pending against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.II, Sattur, 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 cards or bank pass books to ensure their identity;

(b)the petitioners shall report before respondent police daily at 10.30 am., until further orders;

(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/-
12/10/2021

WEB COPY

/ TRUE COPY /

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

SM/GBG

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, Sattur.
2. Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
3. The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15795 of 2021
Date:12/10/2021

TR/SKN/SAR-I(20.10.2021) 3P 5C