



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 12/10/2021  
PRESENT

**The Hon`ble Mrs.Justice S.ANANTHI**  
**CRL OP(MD) . No.15952 of 2021**

WEB COPY

1.Thangaraj  
2.Dinesh ... Petitioners/Accused Nos.1&3

Vs

The state represented by  
The Inspector of Police,  
Mandapam Police Station,  
Ramanathapuram District.

Cr.No. 259 of 2021.. ... Respondent/Complainant

For Petitioner : M/s.Gokul.K,  
Advocate.

For Respondent : Mr.Muthu Manickam,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.259 of 2021 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of  
the respondent police for the alleged offences punishable under  
Sections 294(b), 323, 326 and 506(ii) of IPC in Crime No.259 of  
2021 on the file of the respondent police, seek anticipatory bail.

**2.**Heard the learned counsel for the petitioners and the  
learned Additional Public Prosecutor for the respondent police.

**3.**The case of the prosecution is that due to previous  
enmity between the petitioners and the de-facto complainant, the  
petitioners said to have assaulted the de-facto complainant with  
hands and iron rod and threatened him with dire consequences and  
caused injuries. Hence, the complaint.

**4.**The learned counsel for the petitioners would submit that  
the petitioners are innocents and they have not committed any  
offence as alleged by the prosecution and the petitioners have been  
falsely implicated in the present case, hence, they seek  
anticipatory bail.



5.The learned Additional Public Prosecutor, on instructions, submitted that the petitioners are having no previous case and the injured person has been discharged from the hospital.

6.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, and on their executing 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 Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(c) the petitioners shall not tamper with 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

/ TRUE COPY /

/ /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,  
RAMESWARAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE  
MANDAPAM POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.15952 of 2021  
Date :12/10/2021

PJL  
SS/PN/SAR-I/21.10.2021 : 3P/5C