



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15967 of 2021

1. Mathavan,

2. Mahendran, ... Petitioners/Accused Nos.1 & 2

Vs

State Rep by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District
(Crime No.233 of 2021). ... Respondent/Complainant

For Petitioner : Mr.Ramasamy S
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.233 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 109, 341, 294 (b), 324, 307 and 506 (ii) of IPC in Crime No.233 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 09.09.2021, at about 06.00 a.m., due to previous enmity, the petitioners and others waylaid the defacto complainant and assaulted him with iron rod, due to which, he sustained injuries. 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 the defacto complainant was treated as out-patient.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the petitioner caused blood injury to the defacto complainant and that no previous case is pending against the petitioners and the investigation is pending. However, he conceded that the defacto complainant was treated as out patient.

5.Taking into consideration the facts and circumstances of the case, the fact that the defacto complainant was treated as out patient and also the fact that there is no previous case pending against the 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.III, Tirunelveli, 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 55601]**; and;



(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2021

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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.III,
Tirunelveli.
2. Do Through The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Devarkulam Police Station, Tirunelveli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15967 of 2021
Date :12/10/2021

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