



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.15964 of 2021

Venkatesh

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.375/2021).

... Respondent/Complainant

For Petitioner : M/s.Maharaja.M., Advocate.

For Respondent : M/s.P.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.375/2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b), 324, 397 and 506(ii) of IPC, in Crime No.375 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that on 10.10.2021 at 11.30
p.m., the petitioner waylaid the defacto complainant and abused him
in filthy language and attacked him and also snatched the gold chain
from the defacto complainant. Therefore, the present case came to be
registered.

3.The learned counsel appearing for the petitioner would submit
<https://hcservices.ecourts.gov.in/hcservices/>
that the petitioner is an innocent and he has been falsely
implicated in this case. He further submitted that the defacto



complainant married the petitioner's sister. Due to misunderstanding they are living separately. When the same was questioned by the petitioner, a wordy quarrel arose between them and both of them have attacked each other and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed and no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case, the antecedent of the petitioner and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required for interrogation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
26/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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,
CHERANMAHADEVI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.15964 of 2021

Date :26/10/2021

SP/JC/SAR III/25/11/2021/3P/5C