



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16170 of 2021

1. Murugesan

2. Parthiban @ Parthipan

... Petitioners/Accused

No.2 & 3

Vs

State rep.by

The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.

(Crime No.611 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C, 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.611 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 323, 324 and 506(ii) IPC, in Crime No.611 of 2021 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours. The first accused parked his TATA ACE vehicle and dumped the wooden logs in the land belonging to the defacto complainant and on 04.10.2021, when the defacto complainant questioned the same, the first accused and the petitioners herein attacked the defacto complainant with wooden logs and caused injuries. Hence, the complaint.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. In fact, there is a civil dispute between the petitioners and the defacto complainant's family, due to which, the defacto complainant and others, on 04.10.2021, waylaid the petitioners and assaulted them with deadly weapons. Hence, the first petitioner lodged a complaint before the respondent Police and the same was registered as Crime No.612 of 2021 for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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, Thiruvaiyaru, 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 card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. 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 are 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
25/10/2021

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

OGY

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,
Thiruvaiyaru.
2. -Do-Through The Chief Judicial Magistrate,
Thanjavur District.
3. The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16170 of 2021
Date :25/10/2021

SP/VR/SAR IV/28/10/2021/3P/5C