



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16823 of 2021

P.Paramasivam

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Chathirapatti Police Station,
Dindigul District.
(Crime No.276 of 2021).

... Respondent/Complainant

For Petitioner : Mr.T.THIRUMURUGAN,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

For Intervenor : Mr.AADHITHYA VIJAYALAYAN, Advocate

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

PRAYER :-

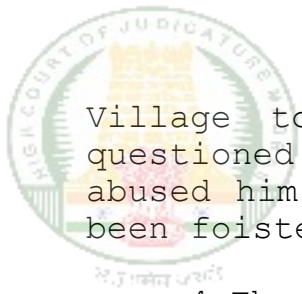
For Anticipatory Bail in Crime No. 276 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 324 and 506(ii) of IPC in Crime No.276 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner had abused the defacto complainant in filthy language, attacked him and also threatened him with dire consequences. Hence, the present case has been registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submits that the relative of the defacto complainant namely one Senthilkumar and others have registered a forged document in their favour in respect of the petitioner's property in Survey No.689/3 situated at Virupatchi



Village to an extent of 1 Acre 54 cents. When the same was questioned by the petitioner, the defacto complainant and others abused him and also threatened him, due to which, a false case has been foisted against the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured has been discharged from the hospital.

5.The learned counsel appearing for the defacto complainant submits that the petitioner has caused injuries on the thigh as well as the little finger of the defacto complainant. However, he submitted that the injured has been discharged from the hospital. According to him, there was a dispute between the petitioner and his brother-in-law and under the impression that the defacto complainant is supporting his brother-in-law, the petitioner has committed this offence.

6.Considering the facts and circumstances of the case, the nature of allegation 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 petitioner.

7.Accordingly, this criminal original petition is allowed and 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, Ottanchathiram, 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 appear before the respondent police daily at 10.30 a.m., until further orders.

[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/-

01/11/2021

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

+1. CC to M/S.THIRUMURUGAN.T. Advocate SR.No.7767

**ORDER
IN**

CRL OP(MD) No.16823 of 2021
Date :01/11/2021

SA/PN/SAR.3/12.11.2021/3P/6C