



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16206 of 2021

WEB COPY

1. Sudharsan,
2. Satheeshkumar

... Petitioners / Accused 1 & 2

Vs

State Rep. by
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Crime No.851 of 2021)

... Respondent / Complainant

For Petitioner : M/s. Lenin Kumar.T,
Advocate.

For Respondent : Mr.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.851 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent Police, for the offence punishable under Sections
147, 148, 294(b), 324 and 506(ii) IPC in Crime No.851 of 2021, on
the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 18.10.2021 at about
5.30 p.m., the petitioners and others, in a drunken mood, tried to
start the defacto complainant's two-wheeler instead of the
petitioners' two-wheeler. When the defacto complainant questioned
them, they abused him in filthy language and attacked him with
knife. Hence, the case.

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, on the date of occurrence, the
petitioners went to take their two-wheelers from the two-wheeler
parking, the defacto complainant misunderstood that the petitioners
tried to take the complainant's two-wheeler and quarreled with the
others. During the quarrel, the defacto complainant
assaulted one of the accused persons by using stone. Thereafter,
the issue was pacified. He further submits that in the alleged



occurrence, the defacto complainant did not sustain any injury. Therefore, 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.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that on the date of occurrence, since the petitioners were in an inebriated condition, had mistakenly tried to start the defacto complainant's two-wheeler, by assuming that the two-wheeler belongs to them, 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, Vendasandur, 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.

sd/-
25/10/2021

/ TRUE COPY /



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

ORDER IN
CRL OP(MD) No.16206 of 2021
Date :25/10/2021

SB/SKN/SAR-III/28.10.2021/3P/5C