



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16559 of 2021

Sekar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District
(Crime No. 752 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Uthayakumar A,
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. 752 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), 342, 323, 324 and 506(ii) of IPC in Crime No.752 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the accused and the defacto complainant regarding property dispute, due to which, the accused attacked the defacto complainant and caused injury. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him. However, to show his *bona fide* the petitioner is



prepared to pay a sum of Rs.10,000/- to the defacto complainant towards his medical expanses without prejudice to his rights and contentions.

4.The learned Government Advocate(crl.side) appearing for the respondent police submitted that the the defacto complainant is none other than the brother of the petitioner and in an inebriated mode, the petitioner had bit the ear of the victim. He further submitted that the victim has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that the injured has been discharged from the hospital and the petitioner's willingness to pay a sum of Rs.10,000/- to the defacto complainant for his medical expenses, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 No.II, Ramanathapuram, 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 is directed to pay a sum of Rs.10,000/- to the defacto complainant towards his medical expenses while executing sureties.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

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

WEB COPY

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 NO.II,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16559 of 2021
Date :01/11/2021

RS/VR/SAR2 (15.11.2021) 3P 5C