



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16765 of 2021

WEB COPY

Ranjith Kumar @ Ranjith,

... Petitioner/2nd Accused

Vs

State Rep. By
The Inspector of Police,
Government Hospital Police Station,
Trichy City.
(Crime No. 470 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Prakash.P,
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. 470 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends 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.470 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.10.2021, the defacto complainant, his father and friend went to Amaithi Nilayam, near MGR Nagar to construct asbestos shed. At that time, the petitioner along with other accused came to the spot and asked the defacto complainant to stop the work. Consequent to that, a wordy quarrel arose between the parties, due to which, the petitioner and other accused assaulted the defacto complainant with empty liquor bottle and also criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is the resident of MGR nagar. On 16.10.2021, the defacto complainant, while constructing asbestos shed, prevented the pathway by putting up asbestos sheet. When the petitioner questioned the defacto complainant abused the petitioner in filthy language and consequent to that, a wordy quarrel arose between the petitioner. However, this false complaint has been lodged against



the petitioner. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submits that the petitioner is having eight previous cases and all the cases have been disposed of. He further submits that the investigation is yet to be completed and the injured has been discharged from the hospital.

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

6. Accordingly, the 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 No.IV, Trichy, 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 daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders.

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

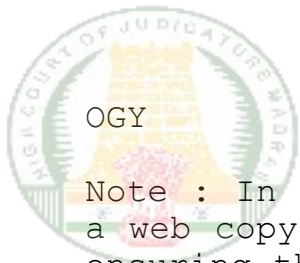
[d]the petitioner shall not abscond either during investigation or trial.

[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 is 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/-
29/10/2021

/ 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 NO.IV,
TRICHY.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
TRICHY CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-7728[I] dated
01/11/2021)

ORDER IN
CRL OP(MD) No.16765 of 2021
Date :29/10/2021

SB/JM/SAR-II/09.11.2021/3P/6C