



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16855 of 2021

Thomas,

... Petitioner/Accused No.1

Vs

State Rep. By
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Cr.No.407 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Maran M,
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. 407 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) of IPC in Crime No.407 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.09.2021, due to wordy quarrel, which arose between the accused and the defacto complainant, the accused assaulted the defacto complainant and his mother and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submits that due to previous enmity, the defacto complainant and his parents attacked the petitioner and his wife. The petitioner has also sustained injury. In this regard, a case has been registered against the defacto complainant and his parents in Crime No.408 of 2021. Therefore, the



present case has been foisted as if the petitioner had attacked the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submits that it is a case of case in counter and the injured has already been discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that it is a case of case in counter and also the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(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]**; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/11/2021

/ TRUE COPY /



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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 AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16855 of 2021
Date :01/11/2021

SB/PN/SAR-I/17.11.2021/3P/5C