



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.16951 of 2021

1.Dheivendran
2.Selvi

... Petitioners/A1 & A2

Vs

State Rep. By
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.966/2021)

... Respondent/Complainant

For Petitioners : Mr.N.Anandakumar
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (crl. side)

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

PRAYER :-

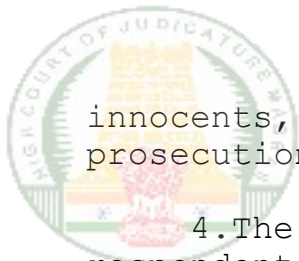
For Anticipatory Bail in Crime No.966 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.966 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.10.2021, when the de-facto complainant was removing manure from his own pit, the petitioners herein quarrelled with the de-facto complainant, attacked him with hands, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

<https://hcservices.courts.gov.in/hcservices> The learned counsel for the petitioners submits that a counter case was registered against the de-facto complainant in Crime No.965 of 2021. He further submits that the petitioners are



innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent, on instructions, submits that no one sustained injury in the alleged occurrence.

5.Considering the facts and circumstances of the case, the nature of allegations made against the petitioners and that no one sustained injury in the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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 Court, 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 Judge 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 Judge 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 as and when required for interrogation.

(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 Judge/ 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 released on bail by the learned Judge/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/ petitioners thereafter abscond, 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.

cp

<https://hcservices.ecourts.gov.in/hcservices/>

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

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-7885[I] dated 08/11/2021)

ORDER

IN

CRL OP(MD) No.16951 of 2021

Date :01/11/2021

SB/JC/SAR-III/15.11.2021/3P/6C