



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

Date : 10.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17365 of 2021

P.Vattayutham

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.161 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Velmurugan
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.161 of 2021 on the file of the Respondent police.

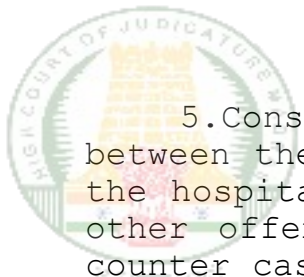
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336 and 506(i) IPC in Crime No.161 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, the petitioner abused the de-facto complainant in filthy language, attacked him with stone on the left knee and caused injury. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that a counter case has been registered in Crime No.163 of 2021 against the de-facto complainant and party, he is an innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was treated as out patient in the hospital and the investigation is yet to be



5.Considering the facts that there existed previous enmity between the parties, that the injured was treated as out patient in the hospital, that except the offence under Section 506(i) IPC, all other offences are bailable in nature and also the fact that the counter case in Crime No.163 of 2021 is pending against the de-facto complainant and party, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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, Ilayankudi, Sivagangai District, 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 daily at 10.30 a.m. for a period of one month and thereafter, 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/-
10/11/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, ILAYANKUDI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-8046[I] dated 12/11/2021)

ORDER

IN

CRL OP(MD) No.17365 of 2021

Date :10/11/2021

SJI

MS/VR/SAR-1/17.11.2021/3P.6C