



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

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17361 of 2021

WEB COPY

1. Vadivel

2. David ... Petitioners/Accused No.3& 4

Vs

The State Rep.by
The Inspector of Police,
Pattiveranpatti Police Station,
Pattiveeranpatti,
Dindigul District. ... Respondent/Complainant
(Crime No.687 of 2021)

For Petitioners: M/s.Arunraj K,
Advocate.

For Respondent : Mr.S.M.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.687 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 and 4, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 323, 324 and 506 (ii)IPC, in Crime No. 687 of
2021, seek anticipatory bail.

2.The case of the prosecution is that due to dispute with
regard to blasting of the crackers in the eve of Diwali Festival,
the petitioners and the other accused abused the defacto complainant
and also assaulted him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. He would further submit that
the injured was discharged from the hospital and A1 & A2 were



already released on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that it is a case in counter and the injured person was discharged from the hospital. He would further submit that A1 & A2 were already released on bail.

5.Considering the facts that there arose aquarrel during the blasting of crackers in the Diwali festival, that the injured was discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the case in counter case is registered in Crime No686 of 2021 against the defacto complainant and that A1 & A2 were already released on bail, that this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Learned Judicial, Magistrate Court, Nilakkottai, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with 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 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;

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



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

sd/-
15/11/2021

WEB COPY

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

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, Nilakkottai.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Pattiveranpatti Police Station,
Pattiveeranpatti, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17361 of 2021
Date :15/11/2021

RD/VR/SAR-II (19.11.2021) 3P 5C