



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.11.2021

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PRESENT

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

CRL OP(MD) . No.17395 of 2021

1.Jothilingam

2.Kavitha

... petitioners/Accused Nos.1&2

Vs

The State Rep.by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(Crime No.538 of 2021)

... Respondent/Complainant

For petitioners : Mr.S.Deenadhayalan
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.538 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) IPC in Crime No.538 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the de-facto complainant, on the date of occurrence, there was a wordy quarrel arose between themselves, the petitioners attacked the de-facto complainant and her daughter and caused injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the injured person has been discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties, that the injured was already discharged from the hospital, that except the offence under Sections 324 and 506(ii) IPC, all other offences are bailable in nature and also the fact that the petitioner is not having any previous case for similar or serious offence as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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, Pattukkottai, Thanjavur District, 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 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 learned Magistrate 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 daily at 10.30 a.m. for a period of one month and thereafter, 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 Magistrate/ 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 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2021

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

SJI

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,
Pattukkottai, Thanjavur District.
 2. -do-Through The Chief Judicial Magistrate,
Thanjavur At Kumbakonam.
 - 3.The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M/S.S.DEENADHAYALAN, Advocate (SR-7957[I] dated 10/11/2021)

ORDER
IN
CRL OP(MD) No.17395 of 2021
Date :10/11/2021

RD/CN/SAR-III(17.11.2021) 3P 6C