



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.17404 of 2021

1.Vijayakumar
2.Prakash

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.946 of 2021

... Respondent/Complainant

For petitioners : Mr.K.M.KARUNAKARAN, 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.946 of 2021 on the file of the Respondent police.

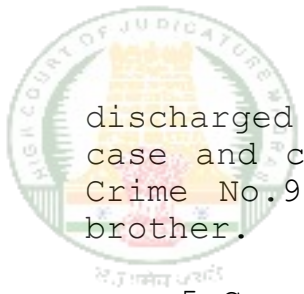
ORDER : The Court made the following order :-

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) of IPC in Crime No.946 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, on the date of occurrence, the petitioners are said to have trespassed into the de-facto complainant's house, attacked the de-facto complainant and his brother and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that a counter case has been registered in Crime No.945 of 2021 against the de-facto complainant and his brother, they are innocents and they have been falsely implicated in this case. He further submitted that A3 was already granted bail by the Sessions Court.

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



discharged from the hospital. He further submitted that it is a case and counter case and the counter case has been registered in Crime No.945 of 2021 as against the de-facto complainant and his brother.

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that the counter case in crime No.945 of 2021 is pending against the de-facto complainant and his brother, that except the offence under Sections 324 and 506(ii) IPC, all other offences are bailable in nature and also the fact that A3 was already granted bail by the Sessions Court, 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, Orathanadu, 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

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE
ORATHANADU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17404 of 2021
Date :10/11/2021

SA/VR/SAR.2/16.11.2021/3P/5C