



WEB COPY

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

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18249 of 2021

M.Raja ... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.429 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Malaikani S, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 429 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307 and 109 IPC, in Crime No. 429 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a family dispute between the parties, due to which, the petitioner abused the defacto complainant and also attacked her son with sickle at the instigation of the third accused and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as

alleged by the prosecution. He would also submit that the petitioner is not having any previous case.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured was already discharged from the hospital on 10.11.2021 and the petitioner is having no previous case.

5.Considering the facts that there existed family dispute between the parties, that the injured was already discharged from the hospital, that except the offence under Section 307 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, 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, 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/-
22/11/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.I)
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, ILAYANGUDI.

2.-DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION, SIVAGANGAI
DISTRICT (CRIME NO. 429 OF 2021).

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. MALAIKANI S Advocate SR.No.8351

ORDER
IN
CRL OP(MD) No.18249 of 2021
Date :22/11/2021

SP/VR/SAR I/26/11/2021/3P/6C