



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18267 of 2021

Sathiyaraj @ Sattiyaraj

... Petitioner/Accused No.1

Vs

State represented by
the Inspector of Police,
Jambunathapuram Police Station,
Jambunathapuram, Trichy District.
In Crime No.293/2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.293/2021 on the file of
the Respondent Police.

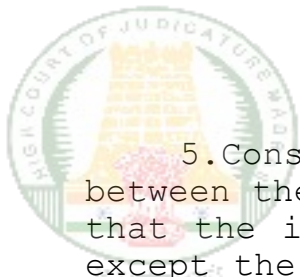
ORDER : The Court made the following order :-

The petitioners/accused, who apprehends 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.293 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that a wordy quarrel arose
between the petitioner and defacto complainant and the petitioners
have threatened the defacto complainant with filthy language. Hence
the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and a false case has been foisted against
him. He would also submit that there was already a civil dispute
pending between the parties. A counter case in Crime No.294 of 2021
for the offences under Sections 294(b), 324 and 506(ii) of IPC has
been filed against the defacto complainant since the defacto
complainant and his men had attacked the petitioner's father.

4.The learned Government Advocate(Crl.Side) would submit that
the petitioner was discharged from the hospital.



5. Considering the facts that there existed civil dispute between the petitioner and the defacto complainant and also the fact that the injured was already discharged from the hospital and that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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, Thuraiyur, 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 petitioner 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 petitioner 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 petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/11/2021

/ 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,
THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
JAMBUNATHAPURAM, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.ARUNRAJ, Advocate (SR-8399[I] dated 23/11/2021)

ORDER
IN
CRL OP(MD) No.18267 of 2021
Date :23/11/2021

pnn
MK/VR/SAR.III/29.11.2021/3P/6C