



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18295 of 2021

V.Selvam

... Petitioners/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.1597 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.S.Vigneswaran,
Advocate.

For Respondent : Mr.Ss.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.1597 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No. 1597 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons are relatives and are agriculturists. On 13.11.2021, when the petitioner and other accused persons were selling vegetables in Ulavar Santhai, Karur, the defacto complainant along with rowdy elements came there and asked mamool, when the same was refused by the petitioner, the defacto complainant attacked the petitioners and also caused injuries. In this regard, both of them had made complaints against them.

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.

<https://hccservices.mys.in/tcase/vcs/>



4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and no previous case has been filed against the petitioner herein.

5. Considering the facts that there arose wordy quarrel between the parties, when the defacto complainant had refused to give mamool, that the injured was discharged from the hospital, that the counter case in Crime No.1598 of 2021 has been registered against the defacto complainant and party and that except the offence under Section 506(i) IPC, all other offences are bailable in nature, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, Karur District, 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 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 petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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

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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 NO.I,
KARUR, KARUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.GOKULRAJ, Advocate (SR-8475[I] dated 24/11/2021)

ORDER
IN
CRL OP(MD) No.18295 of 2021
Date :23/11/2021

pnn
MK/PN/SAR.IV/30.11.2021/3P/6C