



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.18309 of 2021

1.Palaniappan
2.Latha

...Petitioners/ Accused Nos.1 and 2
Vs

State represented by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(Crime No.550/2021).

... Respondent/Complainant

For Petitioners: Mr.T.Sathiyathan,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.550/2021 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, 506(ii) of IPC and Section 4 of Women Harassment Act in
Crime No.550 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had were
assaulted the defacto complainant using iron rod and threatened him
with dire consequences, when the defacto complainant had questioned
the petitioners about the cutting of branches of the defacto
complainant's tree.

3. The learned counsel for the petitioners would submit that
the petitioners are innocent and a false case has been foisted
against him.

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

<https://hcservices.eprints.org.in/hcservices/>



5. Considering the facts that there existed neighbourhood dispute between the petitioners and the defacto complainant, that the injured was already discharged from the hospital and that except the offences under Section 506(ii) of IPC and Section 4 of Women Harassment Act, 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 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 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 petitioners 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 petitioners 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 petitioners shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

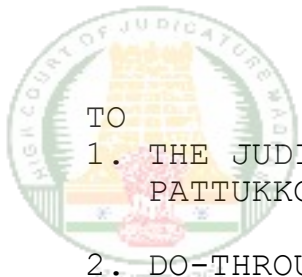
23/11/2021

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

ORDER
IN
CRL OP(MD) No.18309 of 2021
Date :23/11/2021

PNN
MS/VR/SAR-3/29.11.2021/3P.5C