



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18326 of 2021

1.Darmaraj @ Dharmaraj
2.Indhirani

... Petitioners/ Accused Nos.1 & 3

Vs

The State rep.by
The Inspector of Police,
Jambunathapuram police station,
Trichy.
Crime No.294 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.AZHAGESON
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.294 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 324, 506(ii) of IPC in Crime No.294 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives to each other. Already a land dispute is pending between them. On the date of occurrence, when the defacto complainant and his son had questioned the petitioners about the dispute, the petitioners and other accused have attacked the defacto complainant and his son with iron rod and threatened them. In this incident, the defacto complainant sustained head injury. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, the defacto complainant and his son were came to the scene of occurrence, and attacked the petitioners. A complaint has been lodged before the respondent police and a case in Crime No.293 of 2021 has been filed for the offences under Section 294(b), 324 and 506(ii) of IPC against the defacto complainant and his son.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured person has been discharged from the hospital. The second accused had been arrested and released on bail.

5.Considering the facts that there existed land dispute between the parties, the injured has been discharged from the hospital, that the second accused has already been released on bail, and that except the offences 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 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, Thuraiyur, Trichy 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;

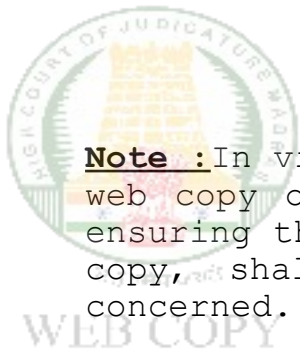
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
24/11/2021

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

ORDER

IN

CRL OP(MD) No.18326 of 2021
Date :24/11/2021

SA/PN/SAR.4/30.11.2021/3P/5C