



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

Date : 02/12/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18740 of 2021

WEB COPY

1. M.ARUL LINGAM

2. RANJITH @ DHINAKARAN

... PETITIONERS/ACCUSED NO.1 & 2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

(CRIME NO.1920 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.S.Murugapandi,
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. 1920 of 2021 on the file of the respondent Police.

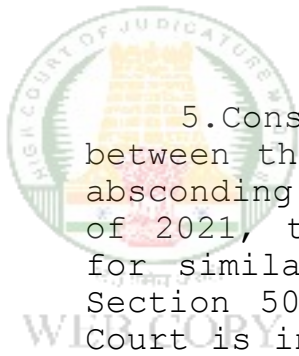
ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the offence punishable under sections 294(b), 324, 427 and 506(ii) IPC, in Crime No.1920 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the family dispute between the petitioners and the defacto complainant, the petitioners abused him with filthy language and threatened him with dire consequences and also attacked him with sticks and stones and caused damage to his car. Hence, this complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and since a counter case was registered against the injured in Crime No.1537 of 2021, he has absconded and no previous case is pending against the petitioners.



5.Considering the fact that there existed family dispute between the parties and considering the facts that the injured was absconding due to the registration of counter case in Crime No.1537 of 2021, that no previous case is pending against the petitioners for similar or serious offence and that except the offence under Section 506(ii) IPC., other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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 No.VI, Madurai, 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 a.m for a period of 30 days 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 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/-
02/12/2021

/ 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 NO.VI,
MADURAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.MURUGAPANDI, Advocate (SR-8811[I] dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.18740 of 2021
Date :02/12/2021

dss
USK/VR/SAR-II/(08.12.2021) 3P-6C