



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

Date : 26/11/2021

PRESENT

**The Hon'ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.18609 of 2021

1. KUMARESAN  
2. SELVI

...PETITIONERS/ACCUSED NOS.2 & 3

**VS**

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
PATTUKOTTAI TOWN POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.1029 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.B.Jameel Arasu,  
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor.

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

**PRAYER :-**

For Anticipatory Bail in Crime No.1029 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners/Accused Nos.2 & 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 and 109 IPC, in Crime No.1029 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there existed a previous enmity between the defacto complainant and the petitioners. On the date of occurrence, the petitioners had assaulted the defacto complainant and threatened him with dire consequences. Hence the complaint.

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



against him due to previous motive. He further would submit that a counter case in Crime No.1030 of 2021 was also filed against the defacto complainant and party.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been discharged. No previous case has been filed against the petitioners herein. Al in this case was already released on bail.

5.Considering the facts that there existed previous enmity between the parties, that the injured was discharged from the hospital, that except the offences under Section 506(ii) and 307 of IPC, all other offences are bailable in nature and also the fact that no previous case has been filed against the petitioners herein, 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 Judicial Magistrate Court, 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 condition 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 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/-  
26/11/2021

WEB COPY

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

ORDER  
IN  
CRL OP(MD) No.18609 of 2021  
Date :26/11/2021

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