



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.18623 of 2021

1. Ayyanar
2. Ponnusamy

... Petitioners/(Rank Not Known)

Vs

The State rep.by,
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No.357 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Poornachandran,
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.357 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused (Rank Not Known), who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b) and 307 of IPC, in Crime No. 357 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 17.11.2021, at about 01.30 p.m, when the defacto complainant was riding two wheeler near "Rajswari Paper Mill" two unidentified person, who came in two wheeler, waylaid him and abused him in filthy language and also attacked him with iron rod and caused injuries. Hence, the 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. He would also submit that the names of the petitioners does not find place in the First Information Report and it was shown that two unidentified persons have committed the offence and the petitioners are not having any previous case. Hence, the petitioners seek anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that the petitioners are not having any previous case for similar or serious offences, 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 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-II, Sattur, 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 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/-

06/12/2021

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/ /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



TO

1 THE JUDICIAL MAGISTRATE-II
SATTUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18623 of 2021

Date :06/12/2021

DSS

MK/VR/SAR.IV/08.12.2021/3P/5C