WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19057 of 2021

1. Muruganantham
2. Manikandan ... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by,
The Inspector of Police,
Namanasamuthram Police Station,
Pudukkottai District.
(Crime No.168/2021) ... Respondent/Complainant

For Petitioners: Mr.S.Sivabalan, Advocate for
Mr.E.Balasubramanian, 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.168 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 341, 294(b), 323, 324, 506(ii) IPC in Crime No.168 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was civil dispute between the parties and due to that, on 22.11.2021 at about 09.30PM, the petitioners had waylaid the *defacto* complainant brother's bike, assaulted him with deadly weapon and threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. He would also submit that the injured was discharged from the hospital and that the co-accused was enlarged on bail.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is not yet completed. He would further submit that the injured was injured was discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties, that the injured was injured was discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the first accused was arrested and released on bail by this Court, 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, Thirumayam, Pudukottai 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 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/-
03/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

https://hcservices.ecourts.gov.in/hcservices/

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.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
NAMANASAMUTHRAM POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1 CC to Mr.E.BALASUBRAMANIAN, Advocate (SR-8849[I]dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.19057 of 2021
Date :03/12/2021

PNM
MK/VR/SAR.IV/09.12.2021/3P/6C

https://hcservices.ecourts.gov.in/hcservices/