



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19232 of 2021

Vadivel ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.371 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Joel Paul Antony A,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate(Crl Side)

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

PRAYER :-

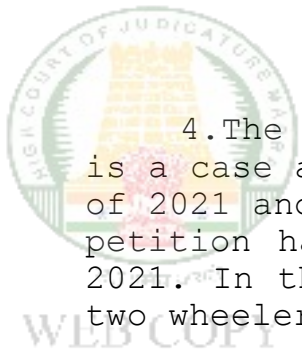
For Anticipatory Bail in Crime No.371 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offence punishable under sections 294(b), 323, 427, 506(ii) of IPC, in Crime No.371 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 19.11.2021, at about 10.30. a.m, due to money dispute between the petitioner and the defacto complainant, the petitioner attacked the defacto complainant with stick. Hence, this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that it is a case and case in counter. Based upon which, FIR in Crime No.371 of 2021 and FIR in Crime No.372 of 2021 were registered. The present petition has been filed with regard to the FIR in Crime No.371 of 2021. In this case, the petitioner herein, has caused damage to the two wheeler worth about Rs.5,000/-.

5. A reading of the FIR in Crime No.371 of 2021 shows that the petitioner alleged to have demanded money from the defacto complainant in drunken mode. When the same was refused by him, he was assaulted and the two wheeler was also damaged. Based upon the compliant given by the petitioner, a case in Crime No.372 of 2021 was registered for the offence under Sections 294(b), 324 and 506(2) IPC. Wherein, it has been mentioned that because of the money dispute, he was assaulted. But, however, since there is a damage to the two wheeler, the petitioner must deposit the damage amount to the credit of crime number.

6.Considering the facts and circumstances of the case and also considering the fact that it is a money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

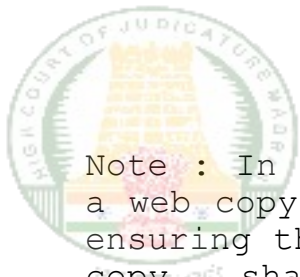
7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.371 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
06/12/2021

/ 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.

WEB COPY

TO

1. The Judicial Magistrate,
Musiri, Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Thottiyam Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19232 of 2021

Date : 06/12/2021

RD/PN/SAR-III (13.12.2021) 3P 5C