



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.20543 of 2021

Sivakumar

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Boothalure Police Station,
Thanjavur District.
(Crime No.448/2021).

... Respondent/Complainant

For Petitioner : M/s.Pon Karthikeyan.R,
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.448 of 2021 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 147, 148, 294(b), 323, 324, 427, 307 I.P.C and Section 4 of
Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.448 of 2021 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that when the defacto
complainant's brother returning to cattle shed with his cattle, one
of the cattle entered to the 3rd accused's paddy field. Due to which
the servant of the 3rd accused said have assaulted the defacto
complainant's brother. Thereafter, though it was settled before the
elderly people, on the next day, the accused persons assaulted the
defacto complainant and his brother and his family members with
deadly weapons. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case. There is a case in counter case. The co-accused in this case
has been granted with anticipatory bail. This petitioner is also on
the very same footing.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a case in counter case. There are two previous cases pending against the petitioner, which are registered during the pandemic situation, out of which one case was disposed of and one is pending.

5. Considering the nature of offence, the co-accused has been granted with anticipatory bail and there is a case in counter case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruvaiyaru on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
22/12/2021

/ TRUE COPY /

/ /2022
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
THIRUVAIYARU.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
BOOTHALURE POLICE STATION,

<https://hcservice.mca.gov.in/hcservice>



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

WEB COPY

ORDER

IN

CRL OP(MD) No.20543 of 2021

Date :22/12/2021

SS/PN/SAR-III/05.01.2022 : 3P/5C