



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.342 of 2022

1.M.Mathankumar
2.Vigneshwar

... Petitioners

Versus

The State, represented by,
Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No.1541 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in the Crime No.1541 of 2021 pending on the file of the respondent police.

For Petitioners :Mr.R.Rajadurai

For Respondent :Mr.N.S.Suganthan
Government Advocate (Crl. Side)
Dated:10/01/2022

:MR.A.GOKULAKRISHNAN Additional Public Prosecutor
Dated:24/01/2021

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 506(2) of IPC in Crime No.1541 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity there was a dispute between the parties and that on 19.11.2021, at about 7.30 p.m., near Adhiyaman Hospital the petitioners along with other accused abused the defacto complainant with filthy language and also threatened him with dire consequences following which, they



tried to attack him with knife as a result of which, the defacto complainant sustained injuries in his left leg. Hence this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners name is not found in FIR. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners abused the defacto complainant with filthy language and also threatened him with dire consequences and also tried to attack him with knife as a result of which, the defacto complainant sustained injuries in his left leg. Hence, the learned counsel vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the *learned Judicial Magistrate court, Thiruthuraipoondi*, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(*) [a] the petitioners are directed to jointly deposit totally a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.1541 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] 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;

(*) [c] the petitioners are directed to report before the Mannargudi police Station on every Tuesday at 10.30 a.m., until further orders;



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 anticipatory 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, the Criminal Original Petition is ordered accordingly.

-sd/-

10/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*) Being mentioned as per order of this court dated 24/01/2022 made in CRL.OP.NO.342/2022

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



**(*) 5 THE OFFICER INCHARGE
MANNARGUDI POLICE STATION,
MANNARGUDI.**

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CC to M/S.R.RAJADURAI Advocate on payment of necessary charges

CRL OP.342/2022

Date :10/01/2022

CSK 20/01/2022

CSK 02/02/2022