



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.145 of 2022

WEB COPY

Giritharan

: Petitioner/Accused No.4

Vs.

State represented by
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No.1281 of 2021)

: Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1281 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(i), 448 and 427 of IPC, in Crime No.1281 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was some previous enmity between the petitioner and the defacto complainant, due to which, the petitioner and the other accused had abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner's name does not find place in the FIR, that the petitioner was implicated in this case based on the confession alleged to have taken from the co-accused and that the petitioner is not having any previous case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with other accused trespassed into the defacto complainant's house and



caused damages to the tune of Rs.50,000/-.

5.Considering the fact that there existed previous enmity between the parties and also the facts that the injured was already discharged from the hospital and that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the credit of Crime No.1281 of 2021 on the file of the respondent police before the learned Judicial Magistrate Court No.II, Thanjavur District, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner 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 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]**.

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

sd/-

16/02/2022

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.145 of 2022
Date :16/02/2022

RS/VR/SAR.1(22.02.2022) 3P-5C