



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.422 of 2022

1.R.Dhilpkumar

2.R.Sivakumar

3.R.Vijayalakshmi

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by

The Inspector of Police,

Woraiyur Police Station,

Trichy District.

Crime No.1172 of 2021.

... Respondent/Complainant

K.Govindaraj

... Petitioner / Intervener

In Crl MP(MD) No.976 of 2022

For Petitioners : Mr.S.Ramakrishnan,
Advocate.

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

For Intervenor : Mr.C.M.Arumugam.
Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.1172 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 448, 427, 324 and 506(ii) IPC, in Crime No.1172 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, the petitioners attacked the defacto complainant, damaged his household articles and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He has also filed an undertaking affidavit undertaking that they will not indulge in criminal activities in future against the defacto complainant with regard to the civil dispute.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners attacked the defacto complainant and caused injuries. He would further submit that the injured has already been discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties and also the facts that the injured was discharged from the hospital, that except the offence under Section 506(ii) IPC, other offences are bailable in nature, that the petitioners are not having any bad antecedents and also taking note of the undertaking affidavit submitted by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand Only) each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, No.IV, Trichy District.

7.On production of such receipt/acknowledgment, 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 Court, No.IV, Trichy 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 learned Magistrate concerned and on further conditions that:

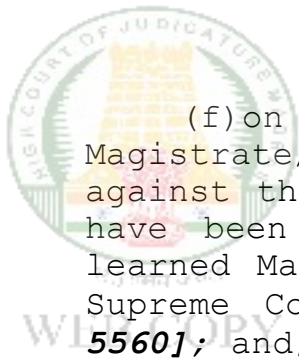
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners A1 and A2 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/A3 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioners 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;

sd/-
16/02/2022

/ 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 NO.IV,
TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

+1. CC to Mr.C.M.ARAMUGAM, Advocate SR.No.1192.

ORDER
IN
CRL OP(MD) No.422 of 2022
Date :16/02/2022

DAS
MK/PN/SAR.IV/22.02.2022/3P/7C