



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.678 of 2022

1. Bharathi @ Bharathiraja,
2. Pasupathi @ Pasupathiraja,
3. Kasi,
4. Kathiresan, ... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by,
The Inspector of Police,
Melur Police Station,
Melur, Madurai District.
Cr.No.740/2021.

... Respondent/Complainant

J.Prabhu, ... Intervene Petitioner

For Petitioner : Mr.A.R.Kannappan, Advocate.

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

For Intervener : Mr.K.Mahendran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 740 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(i) IPC, in Crime No.740 of 2021, seek anticipatory bail.



2.The case of the prosecution is that due to previous enmity between the parties, the petitioners abused the defacto complainant in filthy language and attacked him with wooden log and also caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners attacked the defacto complainant with wooden log and caused injuries. He would further submit that the injured was discharged from the hospital and that the petitioners are having no previous case.

5.The learned counsel for the intervenor opposed to grant anticipatory bail on the ground that the petitioners assaulted the de-facto complainant with wooden log and caused injuries.

6.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(i) IPC, all other offences are bailable in nature and also the fact that the petitioners are not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

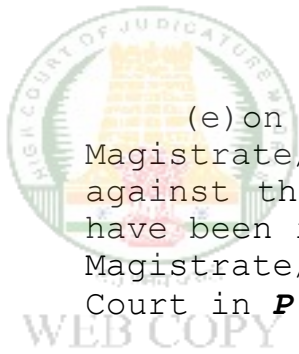
7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, on condition that the petitioners shall 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 respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 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 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;



(e) 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]***; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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,
MELUR, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MELUR,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.K.MAHENDRAN, Advocate (SR-1300[I] dated 18/02/2022)

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-1322[I] dated 21/02/2022)

ORDER
IN
CRL OP(MD) No.678 of 2022
Date :17/02/2022

PKP/JM/SAR-3/24.02.2022/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>