



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1381 of 2022

1.Veerakumar
2.Sureshkumar

... Petitioners/Accused
Rank Not Known

Vs.

State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.47 of 2022).

... Respondent/Complainant

(Amended as per order of this Court
dated 08.02.2022 in CrI.MP(MD)No.1424
of 2022 in CrI.OP(MD)No.1381/22 by
KMSJ)

For Petitioners : M/s.Karunakaran,K.M, Advocate.

For Respondent : M/s.M.Muthu Manikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.47 of 2022 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.47 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant and threatened him with dire consequences. Hence, the complaint.



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

4. The learned Government Advocate (Criminal Side) would submit that there was a wordy between the petitioners and the defacto complainant with regard to using of loudspeakers in a petty shop and the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. He would further submit that the first petitioner is having some previous cases and the second petitioner is not having any previous cases in his credit.

5. The learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner is concerned.

6. In view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner.

7. Considering the nature of the charges levelled against the second petitioner and also the fact that the second petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

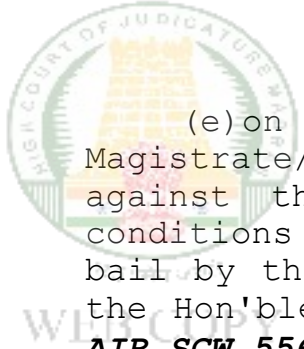
8. Accordingly, the Criminal Original Petition is allowed and the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, on condition that the second 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 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 second 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 Aadhar card or Bank pass Book to ensure their identity;

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

(d) the second petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the second 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

9. In the result, this Criminal Original Petition is partly allowed.

Sd/-
11/02/2022

/ TRUE COPY /

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

das

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

ORDER
IN
CRL OP(MD) No.1381 of 2022
Date :11/02/2022