



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/03/2022
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4193 of 2022

1. Ponnangan
2. Thangam @ Thangapandi
3. Chinnasamy ... Petitioners/Accused rank not known

Vs

The State represented by
The Inspector of Police,
Eriodu Police Station,
Dindigul District.
(Crime No. 47 of 2022)

... Respondent/Complainant

For Petitioner : M/s.T.Sugadev, Advocate for
M/S.Jegadeesh Pandian.M, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.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, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 307, 324, 427 and 506(ii) of IPC @ 109, 120(b), 147, 148, 307, 324, 427, 506(ii) and 34 of IPC in Crime No.47 of 2022, 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 knife 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 2 and 3 were already arrested and released on bail by the Sessions Court and that the injured person in this case has been discharged from the hospital.

5.Since the petitioners 2 and 3 were already arrested and released on bail by the Sessions Court, this petition is dismissed in respect of the petitioners 2 and 3 are concerned.

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 Sections 307 and 506(ii) IPC, all other offences are bailable in nature and also the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, the first petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before the learned Judicial Magistrate, Vedachandoor, Dindigul District, to the credit of Crime No.47 of 2022 without prejudice to his rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

8.On such deposit, the first petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate, Vedachandoor, Dindigul District on condition that the first 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 first petitioner 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 first 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.

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

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

sd/-

24/03/2022

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

ORDER

IN

CRL OP(MD) No.4193 of 2022

Date : 24/03/2022

SS/SVR/SAR:III/29.03.2022 : 3P/5C