



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4698 of 2022

C.Govindasamy

... Petitioner/Accused
Rank Not Known

Vs

The State represented by
The Inspector of Police,
Pattukkottai Taluk Police Station,
Pattukkottai Taluk,
Thanjavur District.
(Crime No.160 of 2019)

... Respondent/Complainant

For Petitioner : Mr.S.BHARATHY KANNAN,
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.160 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148,342,294(b),324,506(2) and 109 IPC altered into 147, 148, 342, 294(b), 324, 506(2), 109, 307 and 120(B) IPC in Crime No.160 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner and the defacto complainant were going to their manager house in a two wheeler, there was a wordy quarrel between them and the petitioner abused the defacto complainant in filthy language and also some other accused came there and attacked the defacto complainant and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the FIR came to be registered in the year 2019.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the accused 1 and 2 were arrested and released on bail and other accused were absconding. He would further submit that investigation is pending.

5.As rightly contended by the learned counsel for the petitioner, FIR came to be registered in the year 2019.

6.Considering the above facts and circumstances and also the facts that FIR came to be registered in the year 2019, that except the offences under Sections 506(2) and 307 IPC, all other offences are bailable in nature and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Court, Pattukkottai, 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 shall report before the respondent police as and when required for interrogation.

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

[d]the 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 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]**.

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

sd/-
11/03/2022

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

+1. CC to M/S.CHRISTOPHER.B Advocate SR.No.1957

ORDER

IN

CRL OP(MD) No.4698 of 2022

Date :11/03/2022

SA/VR/SAR.1/17.03.2022/3P/6C