



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8958 of 2022

1. S.Magesh
2. M.Mani

... Petitioners/Accused No.5 & 6

Vs

The State rep.by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District
(Crime No. 89 of 2021).

... Respondent/Complainant

For Petitioner : M/s.SUSI KUMAR.C.,
Advocate.

For Respondent : Mr.K.SANJAY GANDHI,
Government Advocate (Crl.Side)

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

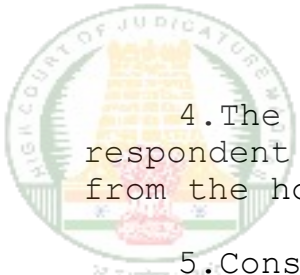
PRAYER :- For Anticipatory Bail in Crime No.89 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 294(b), 323 and 506(ii) of IPC in Cr.No.89 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused said to have driven their two wheeler in a rash and negligent manner, by which, drainage water was spattered in the compound wall of the de-facto complainant. When the same was questioned by the de-facto complainant, the petitioners assaulted the de-facto complainant and also caused injuries. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocents. He would further submit that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.7664 of 2021, dated 11.06.2021. It is a case in counter case.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 a.m for a period of two weeks 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 petitioners 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;

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

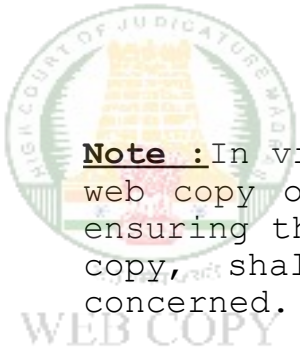
sd/-

11/05/2022

/ TRUE COPY /

12/05/2022

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

ORDER

IN

CRL OP(MD) No.8958 of 2022

Date :11/05/2022

SA/JM/SAR.4/12.05.2022/3P/5C