



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.06.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10663 of 2022

1. V.Perisamy
2. S.Karthick Manikandan @ Manikandan @ Mani
3. J.Senthil

... Petitioners/Accused No.1,2&4

Vs

The State Rep. By,
The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.36 of 2022).

...Respondent/Complainant

For Petitioners: Mr.R.Srinivasan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1, A.2 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(2) IPC, in Crime No.36 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had borrowed a sum of Rs.40,000/- from the defacto complainant and when the defacto complainant demanded him to return the amount, the first petitioner refused to return the said amount. On 24.05.2022, when the first petitioner went to the defacto complainant's house and asked him to come with him for returning the pending amount, believing his words, the defacto complainant went with him and



thereafter, the first petitioner along with other accused attacked the defacto complainant by using iron rod and also 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) appearing for the respondent police would submit that the injured was already discharged from the hospital. He would further submit that the first petitioner is having two previous cases.

5.Considering the facts that there existed money transaction dispute between the parties, that the injured was already discharged from the hospital and that except the offence under Section 506(2) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Tiruppatur, 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 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 Aadhaar 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 one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.



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

sd/-
16/06/2022

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

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-5659[I] dated 17/06/2022)

ORDER
IN
CRL OP(MD) No.10663 of 2022
Date :16/06/2022

csm
USK/PN/SAR-III/22.06.2022/3P/6C