



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16981 of 2021

Mahendran,

... Petitioner/Accused No.4

Vs

The State Rep by,
The Inspector of Police,
Ramjee Nagar Polcie Station,
Trichy District.
(Cr.No. 309 of 2021).

... Respondent/Complainant

For Petitioner : MR.C.SUSIKUMAR, Advocate.

For Respondent : MR.R.SIVAKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.309 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 427 and 506(ii) IPC, in Cr.No.309 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 15.09.2021, at about 02.45 a.m, the petitioner and other accused persons entered into the house of the de-facto complainant and damaged the de-facto complainant's car, two-wheelers and damaged the household articles and also abused him in filthy language. Hence, the complaint.

3.When the matter was taken up for hearing on 02.11.2021, this Court considered and allowed the submissions made by the learned counsel for



the petitioner as well as the learned Government Advocate (Crl. side), has granted interim anticipatory bail and directed the petitioner to appear before the respondent police and also directed the respondent police to enquire and file a report before this court.

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5. In pursuance of the same, they filed a report stating that the petitioner has not appeared before them and thereafter, this Court has directed the petitioner to appear and as per the direction of this Court, he appeared before the respondent police on 10.03.2022.

6. The learned counsel for the petitioner would submit that A1 and A3 were already arrested and released on bail by the District Court and A2 was granted anticipatory bail.

7. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is having a previous case in Crime No. 719 of 2021 and that the investigation is pending.

8. Considering the fact that there existed previous enmity between the parties and also the facts that A1 and A3 were already released on bail by the District Court and A2 was granted anticipatory bail and that the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

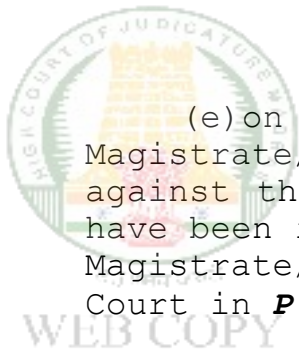
9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No. III, Trichy, on condition that the petitioner shall execute a bond 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 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 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation



(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]***; and;

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

sd/-

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

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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 NO.III
TRICHY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16981 of 2021

Date :16/03/2022

PKP/SBN/SAR-4/23.03.2022/3P/5C