



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

Date : 04/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18954 of 2021

WEB COPY

Alavutheen

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District
Cr.No.219 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Rajesh B,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.219 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC, in Crime No.219 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with other accused gathered near the defacto complainant's house and abused her husband in filthy language and when the same was questioned by the defacto complainant's husband, the accused attacked him with beer bottle and caused injury. Hence, the complaint.

4.The learned counsel appearing for the petitioner submits that this is the second application filed for anticipatory bail. Earlier application filed by the petitioner was dismissed by this Court considering the injury suffered by the victim.

5.The present application has been filed by referring the criminal case as against the defacto complainant that he eloped with another person's wife and he is not available in the village. The



first Information Report registered in Crime No.258 of 2021, dated 08.12.2021 as against the defacto complainant has been produced before this Court.

6.Considering this change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate Court, Singampuneri, on condition that the petitioner 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 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 respondent police daily at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/01/2022

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1.The Judicial Magistrate Court, Singampuneri.
- 2.Do Through The Chief judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.18954 of 2021

Date :04/01/2022

RS/PN/SAR.4(11.01.2022) 3P-5C