



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD).No.18853 of 2022

Edwin Vijayaraj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.228 of 2022)

... Respondent/Complainant

For Petitioner : Mr.B.JAMEELARASU,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

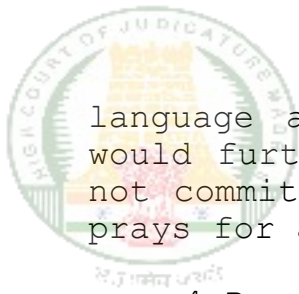
PRAYER :- For Anticipatory Bail in Crime No.228 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused apprehending arrest at the hands of the respondent police for the alleged offences under sections 294(b), 447, 324, 506(ii) IPC @ 294(b), 427, 307 and 506(ii)IPC, in Crime No.228 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 08/05/2022 at about 6.00 pm, the defacto complainant went to her parents home along with her husband. At that time, she was four months pregnant. When they reached the parental home, the gate was found locked and the accused persons came out of the house, abused them in filthy language and tried to cause assault to her and her husband with an intention to kill them. In the impact, they suffered severe injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that it is a dispute between the brother and sister and absolutely, there was no intention on his part to cause assault. The de-facto complainant by standing in front of the gate, abused in filthy language and commanded him to open the gate. Because of the abusive



language and behaviour, he lost control and caused assault. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.Per contra, the learned counsel appearing for the intervenor/de-facto complainant would submit that absolutely, this is a murder attempt with an intention to kill the defacto complainant and her husband. But they escaped from that attempt. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (criminal side) appearing for the respondent police considering the gravity of the offence, has strongly opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the nature of the offence and also considering the submission of the learned counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of the crime No.228 of 2022 towards treatment charges of the de-facto complainant. On such deposit being made, the concerned court may give notice to the de-facto complainant about the deposit and he is also at liberty to withdraw the amount with due acknowledgement. The petitioner must also take all possible steps to settle the issue amicably with the de-facto complainant by arranging the elders.

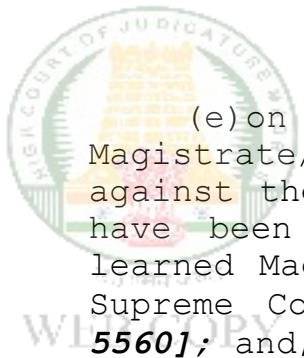
8.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall stay away from the occurrence place and stay at Trichy and shall report before the Judicial Magistrate No.1, Trichy daily at 10.30 a.m. until further orders;

(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 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/-

20/10/2022

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/12/2022

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

TO

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

COPY TO:

- 1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

+1. CC to M/S.JAMEELARASU B Advocate SR.No.11869

ORDER

IN

CRL OP(MD) No.18853 of 2022
Date :20/10/2022

vsd

SA/VR/SAR.4/06.12.2022/3P/8C