



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19157 of 2022

1.Sudalaikan

2.Sankar

... Petitioners/Accused

Nos.1 and 3

Vs

State rep.by

The Sub Inspector of Police,

Radhapuram Police Station,

Tirunelveli District.

(Crime No.127/2022)

... Respondent/Complainant

For Petitioners : M/s.Jegadeesha Pandian V.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.127/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 427, 324 and 506(2) of IPC, in Crime No.127 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a business dispute between the first petitioner and the defacto complainant herein in collecting debris from the wind mill. Therefore, the first petitioner along with other accused persons went to the



defacto complainant's house and abused him in filthy language, attacked him with iron rod and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocents. Hence, he prayed for anticipatory bail.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit the injured has been discharged from the hospital. He would further submit that the first petitioner was arrested and remanded to judicial custody and the second petitioner is having three previous cases and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that first petitioner was arrested and remanded to judicial custody, this is not a fit case to grant anticipatory bail to the first petitioner and **accordingly, this petition is dismissed in respect of the first petitioner.** Considering the facts and circumstances of the case and considering the nature of offence and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, the second 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, Radhapuram, Tirunelveli 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 second 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 second petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the second 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 second 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

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

ORDER
IN
CRL OP(MD) No.19157 of 2022
Date :28/10/2022

SP/SSS/SAR I/07/11/2022/3P/5C