



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21412 of 2022

Sathishkumar @ Satheesh

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
Crime No.456/2022.

... Respondent/Complainant

For Petitioner : M/s.Murugapandi S, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

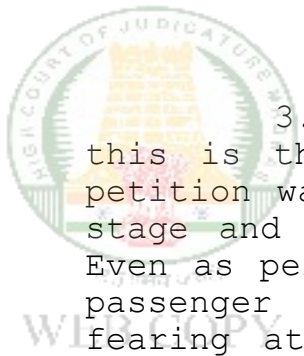
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 456 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 307 and 506(ii) of IPC in Crime No.456 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant, namely, Mr.Alexmenan, Sub - Inspector of Police, Puliyankudi Police Station along with other police personal were on vehicle checking, near Puliyankudi Bus Stand, they received a message from Chokkampatti Police Station requesting them to intercept and stop the Innova Car bearing Registration No.TN-02-AH-0697, which was alleged to have caused accident at Vamsaviruthi Nagar, within Chokkampatti police station limit, causing grievous hurt to three persons. When the defacto complainant stopped the said car, the petitioner, who was on the left side seat of the driver seat, instructed the driver Karthick, not to stop the car and tried to kill the police by hitting them by the car and they left the spot and escaped. Thereafter, they chased the Innova Car and on intercepting the car, the driver Karthick/A1 was caught and the petitioner got down from the car and escaped. Hence, the complaint.



3. The learned counsel for the petitioner submit at this is the second petition for anticipatory bail. The earlier petition was dismissed, on the ground that the case was at initial stage and custodial interrogation of the petitioner was required. Even as per the case of prosecution, the petitioner was only a co-passenger and did not drive the vehicle and after the accident, fearing attack by mob, they did not stop the vehicle, when the Police tried to intercept the vehicle. The petitioner has no intention to cause injury to the victim/Police officials, who attempted to stop the vehicle. In this case, the main accused was already released on bail. However, without prejudice to his rights and contentions, to show his *bonafide*, he is ready and willing to deposit Rs.50,000/- towards the medical expenses of the victim, viz., Aravindan, who is alleged to have sustained injuries in the accident and now taking treatment in the hospital. Hence, prays to release the petitioner on anticipatory bail.

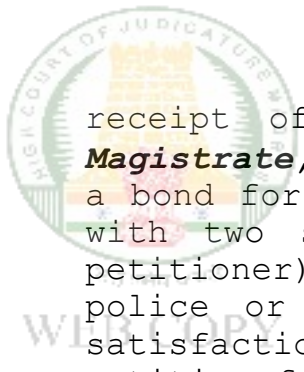
4.The learned Additional Public Prosecutor submitted that the petitioner and the first accused were travelling in an inebriated condition and the first accused drove the vehicle in a rash manner knowing well it would endanger lives of pedestrians dashed against the police officials, in which, one person died on the spot and one victim viz., Aravindan is taking treatment in the hospital for his spinal cord injuries. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that at the time of occurrence, the petitioner was only a co-passenger along with the main accused, who was driving the vehicle and who has been enlarged on bail and also considering the readiness and willingness of the petitioner to make payment of Rs.50,000/- towards the medical expenses of the victim, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of ***Rs.50,000/- (Rupees Fifty Thousand only) without prejudice to his rights and contentions, to the credit of Crime No.456 of 2022, before the learned Judicial Magistrate, Sivagiri, who in turn, shall issue summons to the victim/injured viz., Aravindan and hand over the amount to him.*** It is further observed that since because the petitioner is making payment of Rs.50,000/- to the victim, it would not amount to admission of guilt by the petitioner.

8.On production of such receipt/acknowledgment, 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 **Magistrate, Sivagiri**, 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 (one surety shall be the father of the petitioner) for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of one week and thereafter, on every Saturday 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]**; and;

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

sd/-
14/12/2022

/ TRUE COPY /

/01/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



3 THE SUB INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.MURUGAPANDI S Advocate SR.No.14899

ORDER

IN

CRL OP(MD) No.21412 of 2022

Date :14/12/2022

SA/MMS/SAR.2/03.01.2023/4P/7C