



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

Date : 08/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21182 of 2022

1. Suresh Muthusamy
2. Nagajothi

... Petitioners/Accused

Vs

The State Rep. By,
The Inspector of Police,
Viruvedu Police Station,
Dindigul District.
Crime No.226 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vishnuvardhan S,
Advocate.

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

For Intervenor : Mr.K.Dinesh, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.226 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 324, 506(ii) and 109 IPC in Crime No.226 of 2022 on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous quarrel,
the petitioners assaulted the de-facto complainant, resulting in him
he sustaining injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners and the de-facto complainant are siblings and the
incident had happened during a family quarrel. Hence, he prays to
grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) the respondent police would submit that the petitioners assaulted the victim, resulting in him, he sustaining fracture. Hence, he opposed for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that though the petitioners and the de-facto complainant are relatives and the petitioners assaulted in a brutal manner, resulting in him, he sustaining fracture. He would further submit that the de-facto complainant is taking treatment in a private hospital.

6.At this juncture, the learned counsel for the petitioner would submit that the incident had happened unfortunately and the petitioners without prejudice to his rights and contention, are prepared to pay an amount of Rs.10,000/- to the de-facto complainant towards her medical expenses and produce the receipt before the concerned Court.

7.Heard. Perused the materials available on record.

8.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the de-facto complainant either by way of bank transaction or cash, without prejudice to their rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate, Nilakottai, Dindigul District.

10.On production of such receipt, the petitioners is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, Dindigul District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter every Saturday at 10.30 a.m until further orders.

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



[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

sd/-
08/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21182 of 2022
Date :08/12/2022

sjj
USK/VR/SAR-III/21.12.2022/3P/5C