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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2022

PRESENT

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

CRL OP(MD). No.22349 of 2022

1. Rajendiran

2. Prabu

... Petitioners/Accused No.1&3

Vs

The State rep.by,
The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
Crime No.1125 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Joel Paul Antony A, 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.1125 of 2022 on the file of the Respondent Police.

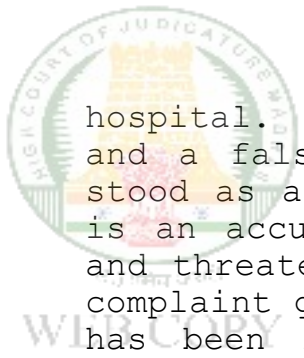
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 307 of I.P.C, in Crime No.1125 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that due to previous enmity, on 21.11.2022 at about 10:30 p.m., the accused persons abused with filthy language and assaulted the defacto complainant with an iron rod. Hence, the complaint.

3.The learned counsel for the petitioners submitted that this is the second petition for anticipatory bail and the earlier petition was dismissed, on the ground that injured was still in the

<https://www.hc.madras.gov.in/judis>



hospital. He would further submit that the petitioners are it and a false case was foisted against them. The petitioners are stood as a witnesses in the case, wherein, the defacto complainant is an accused. The defacto complainant assaulted the petitioners and threatened not to give evidence against him. On the basis of complaint given by the petitioners, a case in Crime No.1124 of 2022, has been registered against the defacto complainant. Now, the injured has been discharged from the hospital and the petitioners are not having any previous case. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though the petitioners are not having any previous case and the injured has been discharged from the hospital, the accused persons were assaulted the defacto complainant, with an iron rod. 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 nature of dispute between the parties and the case and case in counter pending against the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

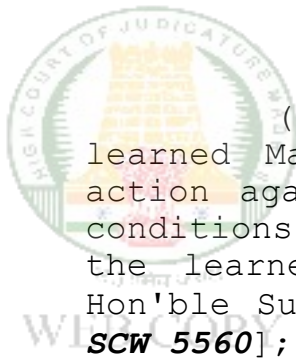
7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvudaimarudhur, Thanjavur District**, on condition that the petitioners shall execute a 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 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners shall stay at Tindivanam and report before the Tindivanam Taluk Police daily at 10:30 a.m., for a period of two weeks, thereafter, on every Saturday at 10:30 a.m., until further orders;

(c)the petitioners shall not tamper with the 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]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/12/2022

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUDHUR, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. JOEL PAUL ANTONY A, Advocate (SR-15080[I] dated 19/12/2022)

COPY TO

THE INSPECTOR OF POLICE,
TINDIVANAM TALUK POLICE
TINDIVANAM.

ORDER
IN
CRL OP(MD) No.22349 of 2022
Date : 19/12/2022

RK/GB/SAR- (30/12/2022) 3P/7C