



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.312 of 2023

1.Periyasami
2.Chandran

...Petitioners/Accused No.1&2

-vs-

The State represented by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Cr.No.2 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.2 of 2023 on the file of the respondent Police.

For Petitioners : Mr.G.Thalaimutharasu, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.02 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 03.01.2023, the first petitioner has driven his two wheeler in a rash manner in front of the de-facto complainant and when it was questioned by the de-facto complainant, the accused persons have abused him in filthy language, assaulted and threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that it is a case and case in counter and on the basis of the complaint given by the petitioners' side, a case in Cr.No.03 of 2023 has been registered against the de-facto complainant's side.



4.The learned Government Advocate (crl.side) would submit that on 03.01.2023, the first petitioner has driven his two wheeler in a rash manner in front of the de-facto complainant and when it was questioned by the de-facto complainant, the accused persons have abused him in filthy language, assaulted and threatened him with dire consequences. He would also submit that the petitioners have no previous cases and the injuries are simple in nature. He would oppose for grant of anticipatory bail.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sankarankovil, 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 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 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 everyday 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/-

06/01/2023

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

cmr

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TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.312 of 2023

Date : 06/01/2023

RK/BUC/SAR-1 (24/01/2023) 3P/5C