



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

PRESENT

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

CRL.O.P(MD)No.2539 of 2023

WEB COPY

Revijiyus Jeyakumar @ Jayakumar

...Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
(in Cr.No.94 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.94 of 2022.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294, 324 and 506(2) IPC and Section 4 of TNPHW Act, 2022 in Crime No.94 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant Reni Freeda is that there has been civil dispute between the first accused and the defacto complainant due to which the petitioner, who is her elder brother, had assaulted her along with two other accused with rod and she sustained injuries. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to property dispute, a false complaint has been given. He would also submit that the third accused in this case was arrested and subsequently, he was released on bail by the Sessions Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that there is a civil dispute between the parties due to which the



occurrence took place in which the defacto complainant injured injuries. He would further submit that injured has been discharged from the hospital and no previous case is pending against the petitioner. He prays for dismissal of this application.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 on which the order copy made ready, before the Additional Mahila Court, Trichy, 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 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 4 weeks and thereafter every Saturday at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with 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]**.

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

sd/-

08/02/2023

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

CM



TO

1. The Additional Mahila Court, Trichy
2. The Inspector of Police,
Samayapuram Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.RAMSUNDARVIJAYRAJ S Advocate SR.No.1992 (I)

ORDER

IN

CRL OP (MD) No.2539 of 2023

Date :08/02/2023

VA/BUC/SAR-1/22.02.2023/3P/5C