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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11174 of 2023

Keerthi@keerthivasan,

... Petitioner/Accused No.4

Vs

State rep by
The Inspector of Police,
Patteswaram Police Station,
Thanjavur District
(Crime No.137/2023).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja.R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.137 OF 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147,148,294(b),352,427 and 506(ii) of IPC in Crime No.137 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 25.05.2023 at about 1.25 pm., while the defacto complainant was driving the bus towards Kumbakonam to Avoor and when he was near Chozhalan Malligai bus stand the accused persons travelled in a two wheeler over the two wheeler in a rash and negligent manner dashed against

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the bus and sustained injuries. On seeing this the neighbourie accused persons gathered there and attacked the defacto complainant and also caused damage to the bus to the tune of Rs.3,00,000/-. Further the accused persons also threatened the defacto complainant with dire consequences.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally nine accused in this case and the petitioner herein is arrayed as A4. Even according to the case of prosecution the accused persons drove the two wheeler in a rash and negligent manner and while overtaking the bus the driver of the bus did not give way for them. So the accused persons overtake him and while trying to stop the bus they fell down and sustained injuries. However the villagers on seeing the occurrence they thought that the bus hit against the persons who travelled in the two wheeler caused damage to the bus to the tune of Rs.3,00,000/-. Some of the accused were arrested and remanded to judicial custody. In so far the petitioner is concerned he is also along with the villagers and damaged the bus.

5. The learned counsel for the petitioner would submit that the petitioner is ready and willing to substantiate some amount as may be directed to this court in order to substantiate the damage.

6. Taking into consideration all the above facts and circumstances this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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 learned judicial Magistrate No.II, Kumbakonam, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 shall deposit a sum of Rs.10,000/- to the credit in Crime No.137 of 2023 on the file of the respondent police before the concerned Magistrate and on receipt of the same, the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the

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to ensure their identity.

[c] the petitioner shall report before the respondent Police, daily at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-
22/06/2023

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/06/2023

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

AAV

TO

1. The Judicial Magistrate No.II,
Kumbakonam,
Thanjavur District
2. The Chief Judicial Magistrate
Thanjavur at Kumbakonam
3. The Inspector of Police,
Patteswaram Police Station,
Thanjavur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.ILAYARAJA, Advocate (SR-9530[I] dated 23/06/2023)

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ORDER

IN

CRL OP(MD) No.11174 of 2023

Date :22/06/2023

DL/VS(27.06.2023)/ 4P/ 6C