



CRL OP(MD). No.19532 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.19532 of 2023

B.Jeya Megan,

... Petitioner/ Accused 2

Vs

The Inspector of Police,  
Madukkur Police Station,  
Thanjavur District.  
(Crime No.244 of 2023).

... Respondent/Complainant

For Petitioner : M/s.K.MAHENDRAN,  
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,  
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.244 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342 and 307 of IPC in Crime No.244 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the accused



CRL OP(MD). No.19532 of 2023

persons attacked the de-facto complainant with sword and caused injuries to him.

WEB COPY

Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that counter case is pending against the de-facto complainant. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that it is a case and case in counter and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case and also the facts that it is a counter case and the injured has been discharged from the hospital and taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residents at Thanjavur District. Hence the principles stated in



CRL OP(MD). No.19532 of 2023

Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979

WEB COPY

SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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, Pattukottai, on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 report before the trial Court on receipt of summons;

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

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



CRL OP(MD). No.19532 of 2023

[d] 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].

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

sd/-  
01/11/2023

/ TRUE COPY /

/11/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI  
TO  
1 THE JUDICIAL MAGISTRATE,  
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,  
MADUKKUR POLICE STATION,  
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.



CRL OP(MD). No.19532 of 2023

WEB COPY

+1 CC to M/s.K.MAHENDRAN, Advocate ( SR-15767[I] dated 01/11/2023 )

ORDER  
IN  
CRL OP(MD) No.19532 of 2023  
Date :01/11/2023

SA/JGB/SAR. /03.11.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.