



CRL OP(MD) No.3163 of 2024

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3163 of 2024

VIGNESH @ VIKNESH PANDIAN

... PETITIONER / ACCUSED NO.2

Vs

**THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.43/2024)**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ILAYARAJA, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.43 OF 2024 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 alleged offence under Sections 294(b), 323 and 506(ii) and 379 of IPC in**

Crime No.43 of 2024, on the file of the respondent police, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3163 of 2024

WEB COPY

2.The case of the prosecution is that the defacto complainant, namely, Anandasubramanian is a practicing Lawyer at Srivaikundam. On 21.02.2024 at about 12.30 p.m., while the defacto complainant discussing with his client one Jeyasankarapandian, there was a wordy quarrel between them and at the instigation of one Jeyasekarapandian who is the brother of his client, the petitioner and others attacked the defacto complainant and also stolen his mobile phone worth about Rs.30,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and it is a counter case and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that it is a counter case and no one has sustained injury in this case and the investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it appears to be a counter case and no one has sustained injury in this case,

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3163 of 2024

WEB COPY
this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivaikundam, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;



CRL OP(MD) No.3163 of 2024

WEB COPY

(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]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II
SRIVAIKUNDAM.



CRL OP(MD) No.3163 of 2024

WEB COPY

- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-2531[I] dated 29/02/2024)

ORDER
IN
CRL OP(MD) No.3163 of 2024
Date :29/02/2024

PKP/VR/SAR /05.03.2024/ 5P/6 C

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