



CRL OP(MD). No.7580 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI

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Sermadurai

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.215 of 2024)

... Respondent/Complainant

For Petitioner : Mr.P.RAJESH,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.215 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 322, 324, 379 and 506(II) of IPC @ 294(b), 307, 323, 324, 506(II) and 379(NH) of IPC of IPC in Crime No.215 of 2024, on



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the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the husband of the defacto complainant is a retired Army man. He took the ponds situated in that locality in auction. On 09.04.2024, at about 02.00 p.m, he went to see one of the pond. Thereafter, the petitioner along with another accused, went to the house of the defacto complainant and informed her that her husband was lying on the bank of the pond with injuries. Immediately, the defacto complainant along with her son, went to the pond and admitted her husband in the hospital. When enquiring her husband, she came to know that when her husband reaching the pond, the petitioner along with other accused were fishing in the pond. When the same was questioned by her husband, they abused him in filthy language and attacked him with stone and wooden log and caused grievous injuries. Further, snatched his 5 sovereign of gold chain, Android Mobile phone and Wallet. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and the co-accused was already released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the



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respondent police would submit that the husband of the defacto complainant sustained grievous injuries in the said occurrence. 5 stitches have been stitched on the left side of his head, 4 stitches have been stitched on the left side of his ear and 3 stitches have been stitched on the left side of his chin. However, he fairly conceded that the injured has already been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured has already been discharged from the hospital, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Nanguneri, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 4 weeks and thereafter, as and when required for interrogation.



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[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

sd/-
29/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.

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



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

+1 CC to M/s.P.RAJESH, Advocate (SR-5981[I] dated 30/05/2024)

ORDER
IN
CRL OP(MD) No.7580 of 2024
Date :29/05/2024

SA/GS/SAR. /03.06.2024/5P/6C

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