



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4356 of 2020

Chandran

... Petitioner/5th Accused

Vs

State Rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.135/2018

... Respondent/Complainant

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.135 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147,148,294(b), 427, 506(ii) of IPC and Section 3 of TNPPDL Act seeks anticipatory bail.

2. It is case and counter fall out of elopement of defacto complainant's daughter in this case with one Govindaraj who belongs to the village of the petitioner herein.

3.The case of the prosecution is that the petitioner herein along with 10 others have gone to the residence of the defacto complainant, picked quarrel and caused damage to the household articles and doors of the defacto complainant. In retaliation, the villagers of the defacto complainant have also attacked the petitioner and others. The police has registered a case against both groups in Crime Nos. 134 of 2018 and 135 of 2018.



4. Almost all the accused in both the case have been released on bail or granted anticipatory bail except three persons who are still in abscondance. Hence, this Court is inclined to grant anticipatory bail to the petitioner

5. 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, Kamuthi, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh 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 said Magistrate, 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 report before the respondent police daily at 10.30 a.m until further orders.

[c] The petitioner shall deposit a sum of Rs.50,000/- to the credit in crime No. 135 of 2018 pending on the file of the Judicial Magistrate, Kamudhi, Ramanathapuram District

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

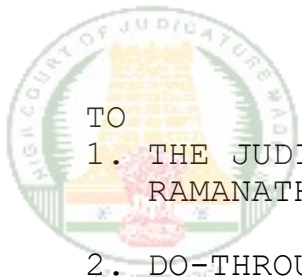
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-5064[I] dated 10/03/2020)

ORDER

IN

CRL OP(MD) No.4356 of 2020

Date :10/03/2020

MS/PN/SAR-1/12.03.2020/3P.6C