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

Date : 26/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5447 of 2020

Arulldhasan, ... Petitioner/Accused Rank not Known

Vs

The State rep.by its
The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.
(Crime No.212 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Jegadeesan,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

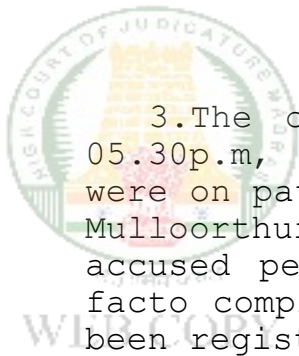
PRAYER :-

for Anticipatory Bail in Crime No.212 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 143,
147, 148, 341, 353, 294(b), 332, 506(ii), 188, 269 of IPC and
Section 3(1) of TNPPDL Act, Crime No.212 of 2020, on the file of the
respondent police, seeks anticipatory bail.



3.The case of the prosecution is that on 25.04.2020 at about 05.30p.m, when the de-facto complainant and the police officials were on patrolling, the accused persons gathered a crowd near to the Mulloorthurai Church. At that time, de-facto complainant asked the accused persons to disperse, the accused persons attacked the de-facto complainant's officials and pelted stones. Hence, a case has been registered for the above said offences.

4.The learned Additional Public Prosecutor appearing for the State would submit that the accused rang the Mulloorthurai Church bell which led to the assembly of other accused, following which, the accused obstructed police persons in their duty and threw stones on the police men and women and also damaged the Government vehicles. He would further submit that one Sub-Inspector of Police and four others including two women police were severely injured and the two police vehicles were damaged. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly the petitioner is ordered to be released on bail on in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioner shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate No.II, Kuzhithurai within one month and on further condition that:

(i)the petitioner and 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;

(ii)the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.212 of 2020, before the Magistrate No.II, Kuzhithurai, without prejudice to his defence before the trial Court;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iv)the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5447 of 2020
Date :26/05/2020

SJI
AE/PN/SAR-III (27.05.2020) 3P 5C