



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/05/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5474 of 2020

1. Gunaselvan @ Chellakutty
2. Kasiraja @ Kasi ... Petitioners/Accused Nos.4 & 7
- Vs-

State Rep.by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No. 206 of 2020) ... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan, Advocate.
For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.206 of 2020 on the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 269, 270, 294(b), 323 and 506(ii) of I.P.C., in Crime No.206 of 2020, on the file of the respondent police, seek anticipatory bail.

3.Due to previous enmity arose during the local body election, these petitioners on 01.05.2020 have waylaid the de-facto complainant and threatened him. It is alleged that they assaulted the de-facto complainant with wooden log.

4.The learned Additional Public Prosecutor appearing for the State submits that the de-facto complainant was treated as out patient. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Taking note of the fact that the injured sustained by the de-facto complainant is simple in nature and the restriction imposed



during the lock down period is also substantially relaxed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly the petitioners are 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/- each and further the petitioners shall produce two sureties each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, within one month and on further condition that:

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

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

27/05/2020

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

TO

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

ORDER

IN

CRL OP(MD) No.5474 of 2020

Date : 27/05/2020

MS/PN/SAR-2/28.05.2020/2P.5C

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