



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/06/2020

PRESENT

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The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5560 of 2020

1. Karuppasamy @ John
2. Rengalakshmi

... Petitioners/Accused 1&2

Vs

State rep. by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.77 of 2020).

... Respondent/Complainant

For Petitioners : M/s C.Suresh Kannan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

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

PRAYER :-

To enlarge the petitioners on Bail in the event of their arrest or surrender in Cr.No.77 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory bail.

2. Heard both sides.

3. Earlier when these petitioners approached this Court seeking anticipatory bail, this Court dismissed the petition on the ground that the injured persons are still in the hospital taking treatment as inpatient. Now it is stated that the injured person had already been discharged from the hospital. Hence the second anticipatory bail petition has been filed. It is a case of attack with weapon by the petitioners.

<https://hcservices.courts.gov.in/hcservices/> 4. After the occurrence, the petitioners have absconded. Mere



discharge of the victim from the hospital cannot be a ground for granting anticipatory bail. However taking into consideration the fact that the second petitioner being a lady, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

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5. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or her 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, Sattur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the second 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 second petitioner shall report before the respondent police as and when required for interrogation;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

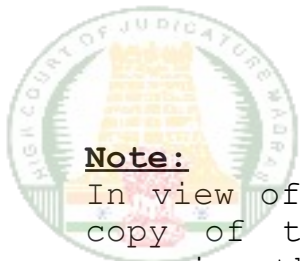
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. Insofar as the first petitioner is concerned, this petition is dismissed.

sd/-
01/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO II,
SATTUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5560 of 2020

Date :01/06/2020

AAV

SRS/ VR/ SAR-III/ 02.06.2020/ 3P/5C