



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2020

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5519 of 2020

Muthu,

... Petitioner/Accused No.4

Vs

state rep by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Cr.No.158 of 2020.

... Respondent/Complainant

For Petitioner : M/s R.J.Karthick,
Advocate.

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

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

PRAYER :-

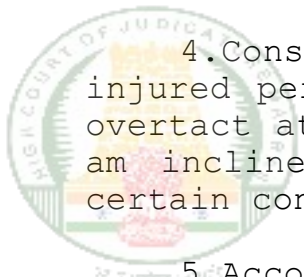
To enlarge the petitioner on bail in the event of his arrest in Cr.No.158 of 2020 on the file of the respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 188, 269, 294(b), 307 and 506(ii) of IPC, in Crime No.158 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. During COVID-19 restriction, it is alleged that the petitioner along with three others, due to previous enmity, assaulted one Dinesh and Thangaraj. While Dinesh has sustained stabbed injury on his stomach, Thangaraj has sustained simple injury. The overtact attributed to this petitioner is that he attacked Dinesh and Thangaraj with his hands. The other three accused have already been arrested. Whereas this petitioner is still absconding.



4.Considering the fact and circumstances of the case and the injured persons have already been discharged from the hospital and overtact attributed to this petitioner is very less significance, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tiruchendur, and on his executing 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 learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

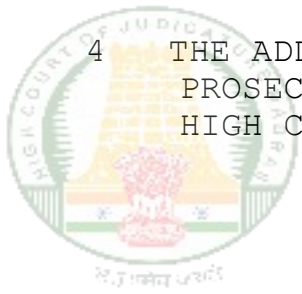
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE TIRUCHENDUR
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.



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

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SRS/JC/SAR-III (01.06.2020) P3 5C

ORDER
IN
CRL OP (MD) No.5519 of 2020
Date :29/05/2020