



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

Date : 16/06/2020

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL OP (MD) . No.6281 of 2020

Kaleeshwaran

... Petitioner/4<sup>th</sup> Accused

Vs

The State rep. by  
The Inspector of Police,  
Sayalkudi Police Station,  
Ramnad District.  
(Crime No. 135 of 2020).

... Respondent/Complainant

For Petitioner : M/s D.Venkatesh,  
Advocate.

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

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

**PRAYER :-**

For Anticipatory Bail in Crime No. 135 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 Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 and 120-B of IPC., in Crime No.135 of 2020, on the file of the respondent police, seeks anticipatory bail.

<https://hcservices.courts.mv.in/hcservices/> 3. The case of the prosecution is that due to previous enmity,



the petitioner, who is arrayed as A4, along with other accused, abused the defacto complainant in filthy languages, attacked him with iron rod, sword and caused injuries on his shoulder, knee and hip. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the allegations levelled in the FIR are false and concocted one. At no point of time, the petitioner indulged in such act, as alleged by the prosecution. The petitioner is a college student and studying I Year B.COM., at Government Arts and Science College at Kadaladi. Since, the petitioner is a relative of A1, he has been falsely implicated in this case and he is an innocent.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that the petitioner, who is arrayed as A4, along with other accused, abused the defacto complainant in filthy languages, attacked him with iron rod, sword and caused injuries on his shoulder, knee and hip. He would further submit that the injured has been discharged from the hospital on 27.04.2020. The learned Government Advocate also submitted that co-accused had already been released on bail.

6. Considering the facts and circumstances of the case and also considering the fact that injured has been discharged from the hospital and the co-accused has already been released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kadaladi and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) The petitioner shall appear before the respondent, as and when required, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

(iii) 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]; and

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



7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-  
16/06/2020

/ TRUE COPY /

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

TO

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

ORDER  
IN  
CRL OP(MD) No.6281 of 2020  
Date :16/06/2020

MPK  
SRS/ VR/ SAR-III/ 19.06.2020/ 3P/5C