



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.6266 of 2020

1. Karunakaran
2. Vikki @ Gopala Krishnan ... Petitioners/Accused No.1 & 2

Vs

The State Rep. by its
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr.No. 7 of 2020 ... Respondent/Complainant

For Petitioners : M/s. M.S.Jeyakarthik,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.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 in connection with the FIR in Cr.No. 7 of 2020, pending investigation on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 324, 506(ii) and 379 of I.P.C., in Crime No.7 of 2020, on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that on 19.01.2020, when the defacto complainant was in TASMACH for consuming alcohol, at that time, the accused intercepted him and asked Rs.20/-. When the defacto complainant refused to give the money, the accused abused the defacto complainant, attacked him indiscriminately with wooden log in hand and snatched Rs.500/- from the defacto complainant. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence, as alleged by the prosecution. He would further submit that the respondent police, in order to incriminate the petitioners, registered the FIR as against them.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that in this case totally four accused and the petitioners are arrayed as A1 and A2 respectively. Due to previous enmity, the petitioners along with the other accused attacked the defacto complainant with wooden log and stolen Rs.500/- from the defacto complainant. The co-accused A3 and A4 were arrested and remanded to judicial custody on 20.01.2020. He would further submit that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Paramakudi and on their 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 petitioners shall appear before the respondent police as and when required for interrogation.

(iii) The petitioners shall deposit a sum of Rs.1000/- jointly, before the learned Judicial Magistrate, Paramakudi, in turn, the Magistrate concerned disburse the amount to the defacto complainant, on filing proper application.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is



petitioner 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]**; 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.

8. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
16/06/2020

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

TO

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

ORDER
IN
CRL OP(MD) No.6266 of 2020
Date :16/06/2020

SKN/MPK
TE/VR/SAR-III : 19/06/2020 : 3P/5C