



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6368 of 2020

Vinayagamoorthy

... Petitioner/Accused No.2

Vs

State rep. by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(In Crime No.129 of 2020)

... Respondent/Complainant

For Petitioner : M/s.P.Banuprasath,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 129 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(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(B), 323 and 307 of I.P.C., in Crime No.129 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 07.05.2020 at about 05.00 p.m, while the de-facto complainant was sitting at Vinayagar Temple, the petitioner and other accused were came to the occurrence place and attacked the de-facto complainant. The petitioner stabbed the de-facto complainant with knife in his stomach and caused grievous injury. Hence, the complaint.



4. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in this case and he is nothing to do with the alleged offence. He would further submit that in this case, the co-accused had already been granted anticipatory bail.

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5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that in this case, injured has already been discharged from the hospital. He would also submit that the co-accused had been granted anticipatory bail.

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

(i) Accordingly, the 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 police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation.

(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.

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

sd/-
19/06/2020

/ 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,
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6368 of 2020

Date :19/06/2020

MS/PN/SAR-3/23.06.2020/3P.5C