



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.6403 of 2020

1. SAKTHI @ SAKTHIVEL
2. RAMU @ RAMKUMAR

... PETITIONERS/ACCUSED 2 AND 3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PUTHUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT,
CR.NO. 167 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.G.Mathavan,
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. 167 of 2020 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 offences punishable under Sections 448,
147, 148, 294(B), 323, 324, 506(II) OF I.P.C., in Crime No.167 of
2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on 25.02.2020 at 10.30
p.m, the petitioners along with other accused attacked the de-facto
complainant's father, namely, Raman, with hand and wooden logs and
used only languages against them. Hence, the complaint.



4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that due to election dispute, the petitioners and other accused attacked the de-facto complainant's father. He would further submit that in this case, injured has already 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 District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai District 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 Judge concerned;

(ii) The petitioners 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 the purpose of interrogation.

(iii) On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 petitioners 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

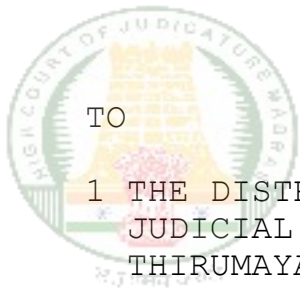
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19/06/2020

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



TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
K.PUTHUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6403 of 2020
Date :19/06/2020

SKN
JM/PN/SAR 2/23.06.2020/3P/5C