



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.6424 of 2020

Ravi @ Ravikrishnan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
Crime No.91 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.Balakarthick,
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. 91 of 2019 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 147, 148, 341, 294(b) 324, 355 and 506(2) of I.P.C., in Crime No.91 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 09.11.2019, when the de-facto complainant has been irrigating his fields, one Kamalam w/o Balusamy, intercepted the same and there was altercation of words and thereafter, on 10.11.2019, the accused persons came in a TATA Sumo vehicle and scolded him in filthy language. Further, the petitioner assaulted him with iron rod. Hence, the complaint.



4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that due to previous enmity, the petitioner along with other accused attacked the defacto complainant with iron rod. He would further submit that in this case, the 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 already been 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, Devakkottai, Sivagangai District 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

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



TO

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

ORDER

IN

CRL OP(MD) No.6424 of 2020

Date :19/06/2020

MS/PN/SAR-2/23.06.2020/3P.5C