



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.6441 of 2020

KRISHNAN @ KRISHNA THEVAR

... PETITIONER/ACCUSED NO.1

VS

STATE REP BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT
CRIME NO.395/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Prabhu,
Advocate.

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

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

PRAYER :-

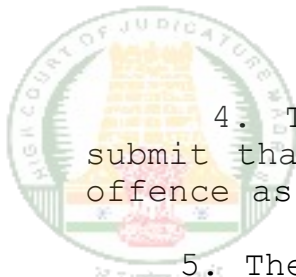
For Anticipatory Bail in Crime no.395 of 2020 on the file of the respondent police.

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 147, 148, 294(b), 323, 324 & 506(ii) of I.P.C., in Crime No.395 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 05.05.2020, due to civil dispute, the petitioner's family members and third accused said to have attacked the de-facto complainant and his brother by Aruval and caused cut injury. Further they said to have threatened the de-facto complainant with dire consequences. Hence, the



4. The learned counsel appearing for the petitioners would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution.

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.

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 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 No.II, Kovilpatti 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 NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KAYATHAR WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6441 of 2020

Date :19/06/2020

SKN

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