



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/06/2020

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PRESENT

The Hon'ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6608 of 2020

1. S.Pandidurai
2. Arun Kumar
3. Selvakumar

... Petitioners/
Accused Rank not known

Vs

State rep. by its,
The Sub-Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime.No. 169 of 2020.

... Respondent/Complainant

For Petitioners : M/s S.Kameswaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime.No. 169 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 Additional Public Prosecutor appearing for the respondent.

2. The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under sections 109, 294(b), 342, 323, 324 and 506(ii) IPC in Crime No.169 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the first petitioner and the second complainant are brothers. On 18.06.2020, due to previous



motive, the petitioners had abused the defacto complainant with filthy language and attacked him with dire consequences. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel appearing for the petitioners on instructions would submit that the petitioners are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.169 of 2020 before the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi, Sivagangai District.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured person discharged from the hospital.

6. Considering the facts and circumstances of the case and considering the undertaking given by the petitioners that they will deposit a sum of Rs.5,000/- to the credit of Crime No.169 of 2020, this Court is inclined to grant anticipatory bail to the petitioners on 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 Principal District Munsif Cum Judicial Magistrate, Karaikudi, Sivagangai District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) The sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii) The petitioners shall report before the respondent Police as and when required for interrogation.

(iv) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) The petitioners shall not abscond either during investigation or trial;

(vi) 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 himself as laid down by the



Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
25/06/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE,
KARAIKUDI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6608 of 2020
Date :25/06/2020

MYR
SRS/ JC/ SAR-II/ 29.06.2020/ 3P/5C