



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

Date : 13/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6987 of 2020

1. Krishnamoorthy
2. Saravanan
3. Beemarao
4. Vetrivel
5. Ajith @ Sudharsan

... Petitioners/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Mayanur Police Station,
Karur District.
Crime No. 368 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.Balasubramani,
Advocate.

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

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

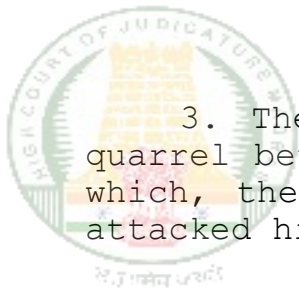
PRAYER :-

For Anticipatory Bail in Crime No. 368 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 294(b), 324 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.



3. The case of the prosecution is that there was a previous quarrel between the petitioners and the defacto complainant, due to which, the petitioners went to the defacto complainant's house and attacked him with deadly weapons and also caused injury.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

5. The learned Government Advocate (Criminal Side) would submit that the injured person was already discharged from the hospital and he would also submit that co-accused in this case was granted bail by this Court in Crl.OP(MD)NO.6986 of 2020.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter case and also considering the fact that the co-accused was released on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and 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;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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**



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

sd/-
13/07/2020

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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 JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
MAYANUR POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6987 of 2020
Date :13/07/2020

DAS
SRS/ JC/ SAR-II/ 15.07.2020/ 3P/5C