



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7366 of 2020

R.SIVAKUMAR

... PETITIONER/ACCUSED NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MANIYACHI POLICE STATION,
THOOTHUKUDI-628 302.
(MANIYACHI PS CRIME NO.36 OF 2020).

... RESPONDENT

For Petitioner : Mr.D.Percivul Percles,
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. 36 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

This is the second application. The petitioner, who is arrayed
as A2, apprehending arrest at the hands of the respondent police for
the offences punishable under sections 294(b), 323 and 506(ii) of
IPC in Crime No.36 of 2020 on the file of the respondent police,
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A1
were said to have threatened the defacto complainant's daughter by
rashly driving a bike. When the same was questioned by the defacto
complainant, the petitioner and A1 abused using filthy language and
also attacked the defacto complainant with hands. Hence, the present



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this Court already granted anticipatory bail to A1 in Crl.O.P.(MD).No.6728 of 2020, dated 29.06.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that this is the second application and this Court already granted anticipatory bail to A1 in Crl.O.P.(MD). No.6728 of 2020, dated 29.06.2020.

6. Considering the facts and circumstances of the case and considering the fact that the co-accused was already granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

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

(d) the petitioner 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 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

<https://hccourts.courts.gov.in/Kse68hes> *Govindarajan P. In/Kse68hes* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
15/07/2020

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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.I,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANIYACHI POLICE STATION,
THOOTHUKUDI-628 302.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7366 of 2020
Date :15/07/2020

vsg
JM/JC/SAR 2/17.07.2020/3P/5C