



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

Date : 08/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6986 of 2020

Sankaranand, ... Petitioner/Accused rank not known

Vs

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

... Respondent/Complainant

For Petitioner : Mr.AR.L.Sundaresan Senior counsel for
Mr.An.Ramanathan,
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.368 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 294(b), 324 and 506(2) of I.P.C., in Crime No.368 of 2020, on
the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that there was a
previous quarrel between the petitioner and the de-facto
complainant, for which, two separate First Information Reports have
been registered. Consequent to the same, the petitioner and others
went to the complainant's house and the petitioner/A1 is said to
have attacked the complainant with hand and A-2/Krishnamoorthy
attacked the complainant with aruval and caused injury.



3.The learned counsel appearing for the petitioner would submit that sofaras this petitioner is concerned, the only overt act attributed against the petitioner/A1 is that he attacked the complainant with hand and no other overt act is attributed against him.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured persons are still in hospital.

5.So far as this petitioner/A1 is concerned, the allegation is that he attacked the injured persons only with hand.

6.Taking note of the facts and circumstances of the case, this Court is 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 on his 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 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 Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
08/07/2020

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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.

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- 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.6986 of 2020
Date :08/07/2020

SJI
AE/PN/SAR-II (10.07.2020) 3P 5C