



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7182 of 2020

K.Surender

... Petitioner/Accused
Rank Not Known

Vs

State through
The Inspector of Police,
Thirukogarnam Police Station,
Pudukottai.
Crime No.584/2020

... Respondent/Complainant

For Petitioner : M/s.P.Krishnaveni, Advocate.
For Respondent : M/s.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. 584 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.584 of 2020 for the offences punishable under Sections 147,148,294(b),323,307 and 506(ii) of the Indian Penal Code, seeks anticipatory bail.

2. Heard both sides.

3. According to the prosecution, due to previous enmity between the *defacto* complainant and the Accused Nos.1 and 2, on the date of occurrence, Accused Nos.1 and 2 quarrelled with the *defacto* complainant and the petitioner, namely Accused No.3 also was later on called by Accused Nos.1 and 2 and he along with others came to the place of occurrence with deadly weapons and tried to attack the *defacto* complainant.



4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (Criminal side) would submit that the injured person was discharged from the hospital.

6. On perusal of the First Information Report, it is seen that no specific overt act has been attributed against the petitioner/A-3 and it is only a wordy quarrel between the *defacto* complainant and Accused Nos.1 and 2.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned Judicial Magistrate No.2, Pudukottai, Pudukottai District, 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 once in a week i.e., on every Monday at 10.30 a.m until further orders;

(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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/07/2020

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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 JUDICIAL MAGISTRATE NO.2,
PUDUKOTTAI, PUDUKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUKOGARNAM POLICE STATION, PUDUKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7182 of 2020
Date :10/07/2020

MS/VR/SAR-3/13.07.2020/3P.5C