



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7933 of 2020

Sahulwashim

... Petitioner/Accused-2

Vs

The State Rep. by
The Sub Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Cr.No. 279 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Muthusamy, 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.279 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of I.P.C., in Crime No.279 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner and A-1 are said to have attacked the de-facto complainant with knife and also caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a friend of A-1 and he is nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that due to previous enmity between the parties,

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A-1 is said to have attacked the de-facto complainant with knife and this petitioner who present in the scene of occurrence and has scolded the de-facto complainant. He would further submit that the injured person was also discharged from the hospital and the main allegation is against A-1 only.

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5.Considering the facts and circumstances of the case and also considering the fact that the only overt act is attributed against A-1 and there is no other overt act is attributed against this petitioner and the injured person was also discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions. 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.I, Ramanathapuram, 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

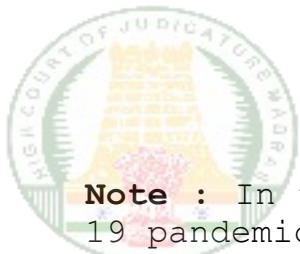
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7933 of 2020

Date :12/08/2020

SJI

TE/VR/SAR-II : 14/08/2020 : 3P/5C