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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7559 of 2020

1. Rajesh@rajeswaran,

2. Arun@arun Pandian,

... Petitioners/Accused No.12 & 13

Vs

The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.106/2019).

... Respondent/Complainant

For Petitioner : Mr.Raja.Karthikeyan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

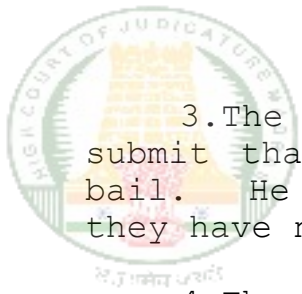
PRAYER :-

For Anticipatory Bail in Crime No. 106 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are 19 accused in this case. The petitioners are figuring as accused Nos.12 and 13 in Crime No.106 of 2019, on the file of the respondent police for the offences punishable under Sections 147, 148, 294(b), 307, 323, 324, 506(2) and 109 of I.P.C.

2.The case of the prosecution is that there was a quarrel between two group of villagers in a Kabadi Tournament, in which, the petitioners along with other accused are said to have attacked the de-facto complainant and others and caused injuries. Hence, a case has been registered.



3.The learned counsel appearing for the petitioners would submit that the co-accused were already arrested and released on bail. He would further submit that petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the State would submit that due to some wordy quarrel in the Kabadi Tournament between two villagers, the petitioners along with other accused are said to have attacked the de-facto complainant and others and caused injuries and injured was also discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already arrested and released on bail and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, 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 SCW 5560]**; and;



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

sd/-
24/07/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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. Judicial Magistrate, Kadaladi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.7559 of 2020
Date : 24/07/2020

TR/RSK/SAR-III (27.07.2020) 3P 5C