



WEB COPY

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

Date : 23/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7558 of 2020

1. Alageswaran,

2. Rajkumar,

... Petitioners/A-3 & A-4

Vs

The State Rep by its.
The Inspector of Police,
Bazaar Police Station, Ramanathapuram
(Crime No. 38/2020). ... Respondent/Complainant

For Petitioners : Ms.Porkodi Karnan for
M/s.Polax Legal Solutions,
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. 38 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 147,
148, 294(b), 323, 324 and 307 of I.P.C., in Crime No. 38 of 2020 on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity
between the parties, the petitioners said to have attacked the
defacto complainant and two other persons and caused serious
injuries and a counter case is also registered against the defacto
complainant. In view of the above facts, a complaint has been registered.



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

4. The learned counsel appearing for the petitioners would submit that the petitioners have nothing to do with the allegations made in the First Information Report. He would further submit that there are totally seven accused in this case and the petitioners who are arrayed as A3 & A4. He would further submit that except these petitioners A-1, A-2 & A-5 were enlarged on bail and A-6 & A-7 were granted anticipatory bail and hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (criminal side), on instructions, submitted that the injured has already discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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 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:

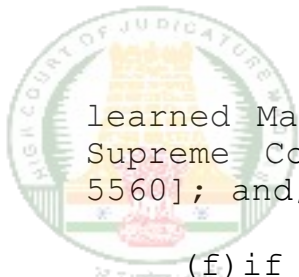
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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



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

sd/-
23/07/2020

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

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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 learned Judicial Magistrate No.I, Ramanathapuram.
2. Do Through the Chief Judicial Magistrate, Ramanathapuram.
3. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.7558 of 2020
Date : 23/07/2020

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