



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

Date : 21/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7579 of 2020

Appanasamy

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Vk Pudur Police Station,
Tirunelveli District, Crime No.223/2020. ... Respondent/Complainant

For Petitioner : M/s.C.Prabakaran, 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.223 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

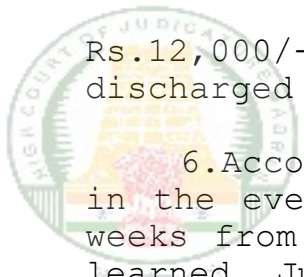
The petitioner who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 355, 427, 447, and 506(ii) IPC in Crime No.223 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner's family and the defacto complainant's family, due to which, the petitioner has assaulted the defacto complainant on 09.07.2020.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

4.The learned counsel for the petitioner submitted that the petitioners is no way involved in the offence and a false case has been foisted against the petitioner and he prays for grant of anticipatory bail.

5.The learned Government Advocate(Crl.side) would submit that the petitioner entered into the agricultural land of the defacto complainant and cut and remove the coconut trees worth about



Rs.12,000/-. He would further submit that injured has been discharged from the hospital.

6. 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 Alankulam, 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 deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.223 of 2020 before the learned Judicial Magistrate, Alankulam, without prejudice to his defence before the trial Court;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

21/07/2020

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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.



TO

1 JUDICIAL MAGISTRATE, ALANKULAM

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
VK PUDUR POLICE STATION, TIRUNELVELI DISTRICT.

4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7579 of 2020

Date :21/07/2020

vsd

SDS/JC/SAR-3 (24.07.2020) 3P-5C