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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7977 of 2020

Ramar @ Ramalingam

... Petitioner/Accused No.10

Vs

The State Rep. by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No. 135 of 2018.

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
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.135 of 2018 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b), 427,506(ii) of IPC r/w.Section 3 of TNPPDL Act seeks anticipatory bail.

2. Heard both sides.

3. There are totally 11 accused in this case. The petitioner
<https://hcservices.ecourts.gov.in/hcservices/>



herein is arrayed as A10. The case of the prosecution is that due to previous enmity the petitioner along with other accused persons unlawfully assembled with weapons abused the defacto complainant, attacked him and also caused damage to his house hold articles.

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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(Crl.Side) would submit that no one sustained injuries in the said occurrence.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no one sustained injuries in the said occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-5879[I] dated
04/08/2020)

ORDER
IN
CRL OP(MD) No.7977 of 2020
Date :04/08/2020

AAV
TE/VR/SAR-II : 05/08/2020 : 3P/6C