



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

Date : 31/07/2020
PRESENT

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The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7994 of 2020

Karpagaselvan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District
Crime No. 129 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Devakumar,
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. 129 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 341,
323 & 506(i) of I.P.C., in Crime No.129 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to election dispute,
the petitioner said to have assaulted the defacto complainant and
caused simple injury and also made life threat to him. Hence the
complaint.

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

4. The learned counsel appearing for the petitioner would
submit that the petitioner is innocent and he has not committed any
offence as alleged in the First Information Report. He would further
submit that due to election dispute, a false case has been foisted
against the petitioner. Hence, he seeks anticipatory bail.



5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that the injuries are simple in nature and the injured person has discharged from the hospital.

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6. Considering the facts and circumstances of the case and also considering the fact that the injured person has been already discharged from the hospital, and hence, 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 on his appearance before the learned Judicial Magistrate, Tirupattur, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 on 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;

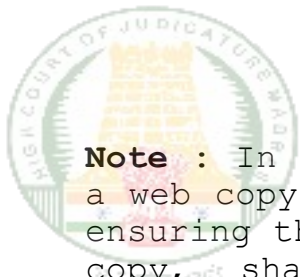
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

sd/-
31/07/2020

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/ /2020
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.

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TO

1. THE JUDICIAL MAGISTRATE,
TIRUPATTUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.
3. THE INSPECTOR OF POLICE
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7994 of 2020
Date :31/07/2020

KSA
SRS/ VR/ SAR-III/ 04.08.2020/ 3P/ 5C