



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/07/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8005 of 2020

1. Simion @ Simiyon
2. Crownston

... Petitioners/Accused No.1 & 2
-Vs-

State Rep.by
The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi, Thoothukudi District.
Crime No.289 of 2020.

... Respondent/Complainant

For Petitioners : M/s.A.Thiruvadi Kumar, 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 Cr.No.289 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 294(b), 324 & 506(ii) of I.P.C., in Crime No.289 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that both the petitioners have quarreled with other two persons in the main road and the same was questioned by the defacto complainant along with other two persons, the petitioners said to have abused the defacto complainant and two victims using filthy language and attacked with Aruval and knife and caused injuries and also made life threat with dire consequences. Hence the complaint.

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

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged in the First Information Report. Hence, he seek anticipatory bail.



5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that the injured persons have already discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured persons have been already discharged from the hospital, and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain 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.II, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2020

/ TRUE COPY /

/ /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 NO.II, THOOTHUKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8005 of 2020
Date :31/07/2020

MS/JC/SAR-2/04.08.2020/3P.5C