



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

Date : 13/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.8390 of 2020

C.Murali

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District,
Cr.No.487 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Suresh,
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. 487 of 2020 on the file of
the respondent Police.

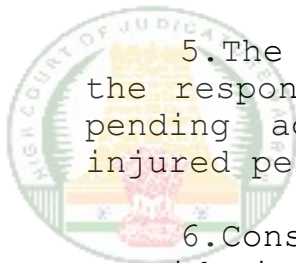
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.487 of
2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the
owner of Ambulance. On the date of occurrence, there was a wordy
quarrel between the petitioner and other accused and the defacto
complainant, for which, the petitioner and other accused abused by
using filthy language and also assaulted him with Beer bottle and
caused injuries. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has not committed
any offence as alleged by the prosecution. He further submitted
that due to previous enmity, the petitioner has been falsely
implicated in this case. He further submitted that A1 and A3 have
already been arrested and released on bail by the lower Court.
hence, he prayed for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that there are nine previous cases pending against the petitioner. He further submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital and A1 and A3 have already been arrested and released on bail by the lower Court, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner 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, Karur District, on condition that the petitioner 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 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 once in a week (ie.,) Every Monday at 10.30 a.m. until further orders.,

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

sd/-
13.08.2020

/ 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.

WEB COPY

TO

- 1.The Judicial Magistrate No.I,
Karur District.
2. -Do- Through The Chief Judicial Magistrate,
Karur District.
- 3.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8390 of 2020

Date : 13/08/2020

VB SKN SAR 3 (17.08.2020) 3P 5C