



WEB COPY

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

Date : 17/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8407 of 2020

Rajamani ... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Kalukumalai Police Station,
Kalukumalai,
Thoothukudi District
Crime No.426/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham,
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. 426 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,324,506(ii), 307 of IPC seeks anticipatory bail.

2. Heard both sides.

3. There are totally four accused in this case. The petitioner herein arrayed as A4. The case of the prosecution is that there is previous enmity between A1 and the defacto complainant in respect of theft of electricity. Due to the same, on the date of occurrence A4 in this case said to have attacked the defacto complainant with iron



rod and the petitioner herein is said to have attacked the defacto complainant with stick and caused injuries. Hence the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The motive is only between A1 and the defacto complainant only. Even as per the First Information Report other accused only attacked the injured with iron rod and the petitioner herein said to have attacked him with wooden stick in his back. He would also submit that injured person was also discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that A1 in the case was arrested and he is still in judicial custody and some of the accused persons are yet to be secured. He would submit that the injured person was discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that petitioner herein said to have attacked the deceased with stick and only the other accused person attacked the defacto complainant with iron rod, and also the fact that the injured was already discharged from the hospital 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 Judicial Magistrate No.I, Kovilpatti, Thoothukudi 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 or the District 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/-
17/08/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KALUKUMALAI POLICE STATION,
KALUKUMALAI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8407 of 2020
Date : 17/08/2020

AAV
AE/AKM/SAR-II (19.08.2020) 3P 5C