



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

Date : 14/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8305 of 2020

K.Sinivasan

Wrongly Mentioned as Seenevasan in FIR

... Petitioner/Accused No.8

Vs

The State rep.by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
Crime No. 240 of 2020

Respondent/Complainant

For Petitioner : M/s.V.Rajiv Rufus,
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.240 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 147,148,294(b),323, 324, 506(ii),307 of IPC r/w.51(b) of Disaster Management Act. seeks anticipatory bail.

2. Heard both sides.

3. There are totally 17 accused in this case. The petitioner herein is arrayed as A12. The petitioner and the defacto complainant belongs to same village. The case of the prosecution is that earlier there was case registered regarding posting fake messages in the face book. Due to which on the date of occurrence the accused persons is said to have attacked the defacto complainant and other persons 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. He would also submit that the injured was also discharged from the hospital.

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5. The learned Government Advocate(Crl.Side) would submit that group of people were fighting with each other with deadly weapons, in which six persons sustained injuries on the side of the defacto complainant and two persons on the side of the petitioner sustained injuries. He would also submit that some of the accused are still absconding and tension is prevailing in that area.

6. Taking into consideration the facts and circumstances of the case and the occurrence taken place in a wordy quarrel and also taking note of the fact that 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, Thirumayam, Pudukottai District on condition that the petitioner shall execute 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 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 stay at Trichy and report before the Cantonment Police Station daily at 10.30 am., 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/08/2020

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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,
THIRUMAYAM, PUDUKOTTAI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K. PUDUPATTY POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.

ORDER

IN

CRL OP(MD) No.8305 of 2020

Date : 14/08/2020

AAV

TK/JC/SAR.2/18.08.2020/3P/6C