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

Date : 18/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8516 of 2020

1. Sundar Raj
2. Muthupandi

... Petitioners/Accused No.2&3

Vs

The State Rep. by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(Crime No. 426 of 2020).

... Respondent/Complainant

For Petitioners : M/s.V.Selva Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

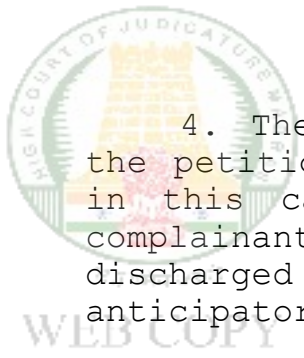
For Anticipatory bail in Crime No. 426 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, 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 seek anticipatory bail.

2. Heard both sides.

3. There are totally four accused in this case. The petitioners herein arrayed as A2 and A3. 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 A1 to A4 in this case said to have attacked the defacto complainant with iron rod and caused injuries. Hence the complaint.



4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. The motive is only between A1 and the defacto complainant only. He would also submit that injured person was also discharged from the hospital and A4 in this case was granted anticipatory bail by this Court.

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 also submit that injured person was also discharged from the hospital and A4 in this case was granted anticipatory bail by this Court.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was granted anticipatory bail by this Court and the fact that the injured was already discharged from the hospital 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.I, Kovilpatti, Thoothukudi District on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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18/08/2020

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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 No.I, KOVILPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8516 of 2020
Date :18/08/2020

AAV
TE/PN/SAR-III : 20/08/2020 : 3P/5C