



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.8537 of 2020

1. P.Malaisamy
2. J. Logesh @ Logeshwaran
3. C. Murugesan
4. S. Sakthi @ Sakthivel
5. Karunakaran ... Petitioners/Accused 1 & 3 and 5 & 6

Vs

The State, represented by
The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.
(Crime No. 226 of 2020). ... Respondent/Complainant

For Petitioners : Mr.J.Vishnu,
Advocate.

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

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

PRAYER :-

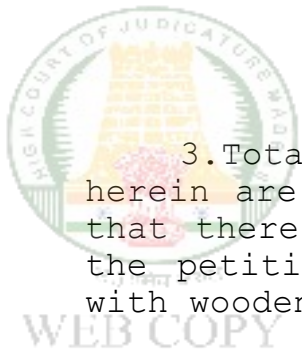
For Anticipatory bail in Crime No. 266 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners A1,3,5 and 6, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147,148,294(b),324,307,188 of IPC r/w 25(1A) of Arms Act
and Section 3 of Epidemic Act, 51(b) Disaster Management Act and
58(4) of Public Health Act, seek anticipatory bail.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>



3. Totally there are six accused in this case. The petitioners herein are arrayed as A1,3,5 and 6. The case of the prosecution is that there is a group clash between two community people in which the petitioners and others are said to have attacked the injured with wooden stick 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 the above case. He would also submit that the injured was discharged from the hospital and the co-accused namely A4 was granted anticipatory bail by this Court.

5. The learned Government Advocate(Crl.Side) would submit that there is a group clash between two community people in which the petitioners and other are said to have attacked the deceased with wooden stick and caused injuries. He would also submit that the injured was discharged from the hospital and the co-accused namely A4 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 injured was already discharged from the hospital and the co-accused namely A4 was granted anticipatory bail by this Court, 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, Ramanathapuram on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

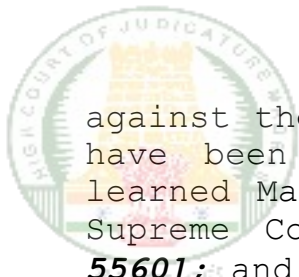
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 or the learned Judicial 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.

sd/-
18/08/2020

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.8537 of 2020
Date :18/08/2020

AAV
AE/JC/SAR-II (20.08.2020) 3P 5C