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

Date : 21/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8732 of 2020

Marudhupandi, ... Petitioner/Accused No.8

Vs

The Inspector of Police,
Devathanapatti Police Station,
Periyakulam, Theni District ,
Cr.No.505 of 2020. ... Respondent/Complainant

For Petitioner : M/s.K.Appadurai,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.505 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), 324 and 307 of IPC seeks anticipatory bail.

2. Heard both sides.

3. There are totally eight accused in this case. The petitioner
herein is arrayed as A8. The case of the prosecution is that there
was a quarrel between the parties regarding possession of cell phone
and due to the same on the date of occurrence the petitioner herein
along with other accused said to have assaulted the defacto
complainant 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 discharged from the hospital

5. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused said to have assaulted the defacto complainant and caused injuries and injured person was discharged from the hospital. He would also submit that A1 in this case was detained under Act.14 of 1982

6. Taking into consideration the facts and circumstances of the case and also the fact that the occurrence would have taken place due to 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, Periyakulam, Theni 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 report before the respondent police once in a week on 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, Periyakulam, Theni.
2. Do through the Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Devathanapatti Police Station,
Periyakulam, Theni District ,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8732 of 2020
Date : 21/08/2020

TR/RSK/SAR-III (25.08.2020) 3P 5C