



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8520 of 2020

Raja @ Rajasekaran

... Petitioner/Accused

Rank not known

Vs

The State Rep. by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(In Crime No.19 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Niranjana.S.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.19 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Totally there are ten accused in this case. The petitioner is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of I.P.C., in Crime No.19 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the parties regarding hypothecation of a car and there was a wordy quarrel between them. On the date of occurrence, the petitioner along with other nine accused are said to have attacked the de-facto complainant and caused serious injuries. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner would submit that originally, the petitioner name was not found in the first information report. Subsequently, based on the confession of A-1,



this petitioner was implicated as A-3 and even as per the confession, no specific overt act is attributed against the petitioner and only accompanied with the other accused.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that all the accused are habitual offenders and the previous cases are pending against them and all the accused are attacked the de-facto complainant with deadly weapons and caused injuries. He would further submit that the injured person in this case has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the fact that based on the confession of A-1, this petitioner was implicated in the above said offence and the injured person in this case has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 daily 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 petitioner/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,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8520 of 2020
Date :18/08/2020

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