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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.8780 of 2020

Muthukrishnan

... Petitioner/Accused No.4

Vs

State rep by

The Inspector of Police,
Kulathur Police Station,
Tuticorin District.

(In Crime.No.134 of 2020)

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

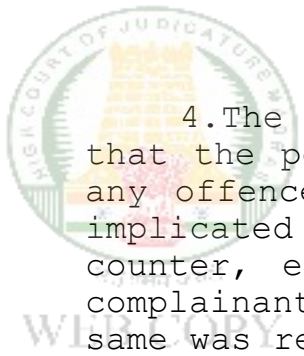
For Anticipatory Bail in Cr.No.134 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamilnadu Woman Harassment Act, in Crime No.134 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are same villagers. Due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, in which, both the petitioner and the defacto complainant were said to have attacked each other. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioner has been attacked by the defacto complainant and hence, he has given a complaint against him and the same was registered in Crime No.135 of 2020. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that in this case four persons were sustained injuries, three persons discharged from the hospital, out of four persons, one person is taking treatment.

6.Considering the facts and circumstances of the case and also considering the fact that due to previous enmity, the occurrence said to have taken place and it is a case in counter and in this case four persons were sustained injuries, three persons discharged from the hospital, out of four persons, one person is taking treatment, 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, Vilathikulam, Thoothukudi, 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 as and when required for interrogation.

(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/petitioner 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.

vsg

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
VILATHIKULAM, THOOTHUKUDI.
- 2 DO THRO
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8780 of 2020
Date :21/08/2020

KM:RSK-SAR2 (25.08.2020) 3P 5C