



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8993 of 2020

Bala

... Petitioner/Accused No.2

Vs

The State rep. by  
The Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District  
Crime No. 463 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.Boominathan,  
Advocate.

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

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

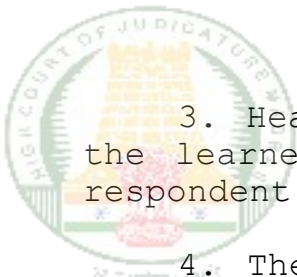
**PRAYER :-**

For Anticipatory Bail in Crime No. 463 of 2020 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 147, 341, 323, 336, 427, 379 & 506(i) of I.P.C., in Crime No.463 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are 12 accused in this case and the petitioner herein is arrayed as A-2. The allegation is that on 15.08.2020 the defacto complainant while riding his bike, without any reason, the petitioner along with other accused said to have assembled unlawfully and attacked the defacto complainant with hands and pelting stone and also caused damage his bike and also taken the cellphone and Rs.5,000/- (Rupees Five Thousand Only) from him. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the allegation is that the petitioner along with other accused persons have damaged the motor bike of the defacto complainant and extracted the cellphone and Rs.5,000/- from him.

6. Considering the facts and circumstances of the case and the nature of offence, 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 on his appearance before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, and on his executing 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 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of the Crime No.463 of 2020 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, within a period of two weeks without prejudice his rights before the trial Court;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-  
27/08/2020

/ 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,  
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
PARAMAKUDI TOWN POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.8993 of 2020  
Date :27/08/2020

KSA  
SRS/ AKM/ SAR-II/ 31.08.2020/ 3P/5C