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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9119 of 2020

AMUTHA ... PETITIONER/ACCUSED NO.3

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ILLUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT
(CRIME NO. 188/2020). ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.D.Rameshkumar,
Advocate.

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

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

PRAYER :-

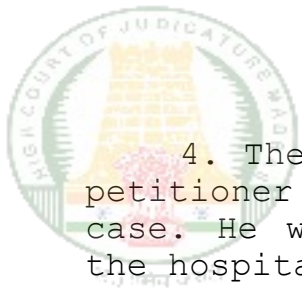
For Anticipatory Bail in Crime No.188 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 307 of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The petitioner and the injured are closely related. The case of the prosecution is that there was a wordy quarrel between the parties regarding using of cell phone, due to which the petitioner along with A1 and A2 said to have attacked the defacto complainant and his relatives. 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 submit that the injured person was discharged from the hospital.

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5. The learned Additional Public Prosecutor would submit that due to wordy quarrel the petitioner herein along with two other said to have attacked the defacto complainant and caused injuries. The injured was also discharged from the hospital and co-accused namely A1 and A2 were released on 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 fact that the co-accused namely A1 and A2 were released on bail by this Court, 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illupur, Pudukottai District 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2020

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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,
ILLUPUR, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE
ILLUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9119 of 2020
Date :31/08/2020

AAV
JM/VR/SAR 2/02.09.2020/3P/5C