



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9118 of 2020

Mangudi

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
K. Pudupatti Police Station,
Pudukottai District
Crime No. 254 of 2020.

... Respondent/Complainant

For Petitioner : M/s. T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

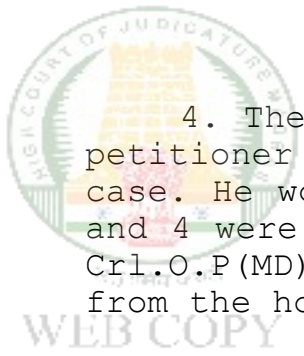
For Anticipatory Bail in Crime No. 254 of 2020 on the file of the Respondent Police

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 341, 294(b), 323, 324, 506(ii) and 307 of IPC seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the defacto complainant is a driver of the mini lorry and on the date of occurrence when the petitioner along with other accused persons were standing in the middle of the road, the defacto complainant has sound horn, due to which there was a wordy quarrel between them. Thereafter, on the same day at evening, while the defacto complainant was returning back to his home the petitioner herein along with other accused said to have waylaid him and have abused using filthy language and also attacked him with knife on head and also made life threat to him. 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 co-accused in this case namely A1,2 and 4 were granted anticipatory bail by this Court on 07.08.2020 in CrI.O.P(MD) NO. 8201 of 2020 and the injured was also discharged from the hospital.

5. The learned Government Advocate(Criminal Side) would submit that co-accused in this case namely A1,2 and 4 were granted anticipatory bail by this Court on 07.08.2020 in CrI.O.P(MD) NO. 8201 of 2020 and the injured was also discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence said to have taken place in a wordy quarrel and injured was already discharged from the hospital and co-accused were granted anticipatory bail, 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, Thirumayam, Pudukottai 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 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***



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

sd/-
04/09/2020

WEB COPY

/ 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,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9118 of 2020
Date :04/09/2020

AAV
SRS/ PN/ SAR-I/ 08.09.2020/ 3P/5C