



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9293 of 2020

S.Gurusamy

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District,
Crime No.144 of 2020.

... Respondent/Complainant

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

For Respondent : M/s.S.E.Venonica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 144 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 & 506(ii) of IPC in Crime No.144 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, there was a wordy quarrel arose between them. The petitioner said to have abused the defacto complainant and assaulted and also made life threat.

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



4. The learned counsel for the petitioner would submit that the petitioner is innocent and the averments made in the alleged complaint is false one. Due to civil dispute between the parties, a false complaint has been preferred by the defacto complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police on instructions, submitted that the injured person has already discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note that civil dispute is pending between the parties and the injured has already been discharged from the hospital, 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 No.II, Kovilpatti, Thoothukudi 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 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/-

03/09/2020

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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 No.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9293 of 2020
Date :03/09/2020

KSA
TE/JC/SAR-IV : 08/09/2020 : 3P/5C