



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

Date : 28/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9608 of 2020

Aravinth

... Petitioner/Accused No.3

Vs

State through,
The Sub-Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
Crime No.357/2020.

... Respondent/Complainant

For Petitioner : Mr.J.Joseph Zinoson,
Advocate.

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

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

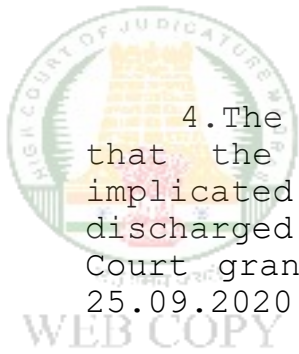
PRAYER :- For Anticipatory Bail in Crime No.357/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 307 and 506(ii) of I.P.C., in Crime No.357 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.There are totally four accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that earlier in a house warming ceremony, there was a wordy quarrel between the petitioner and the defacto complainant, for which, the petitioner said to have engaged all other accused and attacked the defacto complainant and other person and caused injuries. 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 and he has been falsely implicated in this case. He further submitted that the injured was discharged from the hospital. He further submitted that already this Court granted bail to A4, in Crl.O.P.(MD).No.10349 of 2020, dated 25.09.2020.

5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that earlier in a house warming ceremony, there was a wordy quarrel between the petitioner and the defacto complainant, for which, the petitioner said to have engaged all other accused and attacked the defacto complainant and other person and caused injuries. He further submitted that the injured was discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and the fact that injured was discharged from the hospital and also the fact that A4 has already been arrested and 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2020

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 NO.1,
THOOTHUKUDI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. THE SUB INSPECTOR OF POLICE
PUTHIAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9608 of 2020
Date : 28/09/2020

VSG
PK/JC/SAR-4/30.09.2020 : 3P/5C