



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

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9653 of 2020

Rajkumar

... Petitioner/Accused No.1

Vs

State Represented by,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District
Crime No. 358 of 2020.

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran,
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.358 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
147,148,294(b),323,324 and 307 of IPC seeks anticipatory bail.

2. Heard both sides.

3. There are totally five accused in this case and the
petitioner herein is arrayed as A1. The case of the prosecution is
that in a temple festival there was a wordy quarrel between the
petitioner and the defacto complainant, due to which the petitioner
attacked him and caused injuries. Hence the complaint.

4. The learned counsel for the petitioner would submit that it
is only a dispute between two groups in a village and due to wordy
quarrel the occurrence had taken place. He would also submit that
arrested accused were released on bail by the Sessions Court.

5. The learned Government Advocate(Crl.Side) would submit
that in a temple festival the occurrence is said to have taken place

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and only this petitioner engaged other accused and attacked the defacto complainant and caused injuries. He would also submit that co-accused in this were released on bail 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 is said to have taken place in a wordy quarrel and also the fact that co-accused in this case were granted anticipatory bail and the injured was already 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 District Munsif cum Judicial Magistrate, Kadaladi 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/-
22/09/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, KADALADI,
RAMANATHAPURAM DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.6543

ORDER

IN

CRL OP(MD) No.9653 of 2020

Date :22/09/2020

AAV

PK/JC/SAR-3/24.09.2020 : 3P/6C