



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

Date : 18/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9991 of 2020

Kannathasan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime.No.859 of 2020.

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash,
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.859 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 294(b), 307, 324 and 506(ii) of IPC, in Crime No.859 of
2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the mother-in-law of the petitioner. The petitioner's wife viz.,
Mariammal said to have illegal intimacy with her co-worker viz.,
Gurusamy and the same was questioned by the petitioner, due to
which, there was a wordy quarrel between the petitioner and his wife
and the petitioner said to have attacked the defacto complainant and
his wife with knife and caused stab injuries. Hence, the present
complaint.

3.The learned counsel appearing for the petitioner submitted
that it is a second anticipatory bail petition and the earlier
petition was dismissed on the ground that the injured person was
still taking treatment in the hospital. Now the injured person was
discharged from the hospital.



4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that this is the second anticipatory bail petition and now the injured was discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that now the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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.I, Kovilpatti on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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/-
18/09/2020

/ 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.

WEB COPY

TO

1.THE JUDICIAL MAGISTRATE NO.1, KOVILPATTI

2.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3.THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9991 of 2020

Date :18/09/2020

aav

PK/AKM/SAR-3/22.09.2020 : 3P/5C