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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.9961 of 2020

Dawood Khan

... Petitioner/Accused No.1

Vs

The State rep.by
The Sub-Inspector of Police,
Sethubava Chathiram Police Station,
Thanjavur District.
(In Crime No. 799 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.A.S.Alaudeen,
Advocate.

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

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

PRAYER :-

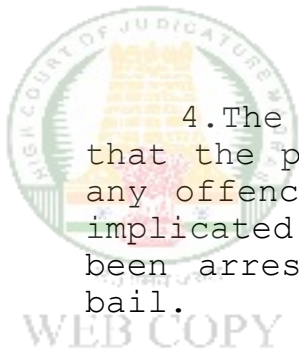
For an Anticipatory Bail in Crime No. 799 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) of IPC, in Crime No.799 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner and other said to have abused the defacto complainant by using filthy language and also attacked him with hands. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that A2 has already been arrested and released on bail. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the injured person has already been discharged from the hospital and the co-accused has already been arrested and released on bail.

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 injured person has already been discharged from the hospital and the co-accused has already been arrested and released on bail, considering the above circumstances, I am 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, Pattukottai, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/09/2020

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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, PATTUKOTTAI.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE SUB INSPECTOR OF POLICE,
SETHUBAVA CHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9961 of 2020
Date :18/09/2020

vsg
AE/JC/SAR-II (22.09.2020) 3P 5C