



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9962 of 2020

Murugan

... Petitioner/Accused Rank Not Known

Vs

The State Rep by
The Sub-Inspector of Police,
Keelakarai Police Station,
Keelakarai, Ramanathapuram District.
(In Crime No.239/2020).

... Respondent/Complainant

For Petitioner : M/s.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

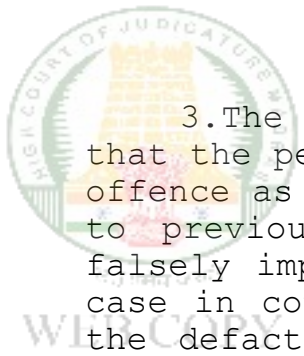
PRAYER :-

For Anticipatory Bail in Cr.No.239 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the driver of TATA Ace Van. On the date of occurrence, the petitioner herein along with other accused were riding a bike in a rash and negligent manner and there was a wordy quarrel between the petitioner and others and the defacto complainant, in which, the petitioner and other accused persons said to have abused the defacto complainant using filthy language and also assaulted him and caused injuries. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner along with others have been falsely implicated in this case. He further submitted that it is a case in counter, earlier the accused persons have been attacked by the defacto complainant and other accused persons and hence, the petitioner has given a complaint against the defacto complainant and other accused persons and the same has been registered in Crime No.238 of 2020, for the offence punishable under Sections 147, 148, 294(b), 323, 427 and 506(i) of IPC. As a counter blast, the present complaint has been registered. He would also submit that co-accused in this case were granted anticipatory bail. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter and the injured person has already been discharged from the hospital.

5.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 it is a case in counter and the injured person has already been discharged from the hospital, and also the fact that co-accused in this case were granted anticipatory bail by this Court, this Court 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.1, Ramanathapuram, 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/-
22/09/2020

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO THEO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
KEELAKARAI, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9962 of 2020
Date : 22/09/2020

AAV
AE/AKM/SAR-II (24.09.2020) 3P 5C