



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

Date : 30/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10410 of 2020

R.Arunachalam

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No. 232/2020).

... Respondent/Complainant

For Petitioner : M/s.S.Prabha for M/s.T.Veerakumar,
Advocate.

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

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

PRAYER :-

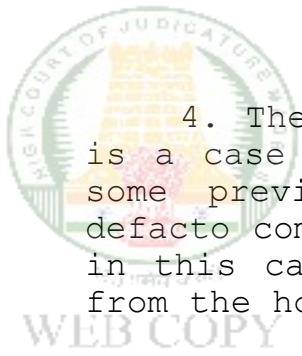
For Anticipatory Bail in Crime No. 232/2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

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

2. Heard both sides.

3.The case of the prosecution is that earlier there was a
quarrel between the petitioner's brother and the defacto complainant
herein in which the defacto complainant group attacked the
petitioner's brother,hence a crime has been registered in Crime
No.231 of 2020 for the offences under Sections 147,341,294(b),
324,323 and 506(ii) of IPC. In retaliation to the same the
petitioner herein said to have driven the tractor and dashed against
the defacto complainant,in which the defacto complainant and other
person sustained injuries. Hence the complaint.



4. The learned counsel for the petitioner would submit that it is a case and counter case and she would also submit that due to some previous enmity between the petitioner's brother and the defacto complainant, the petitioner herein has been falsely implicated in this case. He would also submit that the injured was discharged from the hospital.

5. The learned Government Advocate (Crl.Side) would submit that due to previous enmity petitioner herein said to have driven the tractor and dashed against the defacto complainant, in which the defacto complainant and other person sustained injuries. He would also submit that it is a case and case in counter 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 injured was already discharged from the hospital and it is a case and case in counter, 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 Judicial Magistrate, Kamuthi, Ramanathapuram District 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/-
30/09/2020

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, KAMUTHI,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
PERUNAZHI POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10410 of 2020
Date : 30/09/2020

AAV
PK/PN/SAR-2/05.10.2020 : 3P/5C