



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10932 of 2020

V.Madhan

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Cr No.773 of 2020).

... Respondent/Complainant

For Petitioner : Mr.D.Selvam, Advocate for
B.Thangamani, Advocate.

For Respondent : Mr.K.R. Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.773 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b), 506(ii) and 120B of I.P.C., in Crime No.773 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive between the accused persons and the defacto complainant, the petitioner along with other accused persons said to have assembled unlawfully and way laid the defacto complainant and also made life threat to him. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted



that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there are two previous cases pending against the petitioner.

6.Considering the fact and circumstances of the case and considering the gravity of the offence, 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 on his appearance before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one surety should be a blood relative of the petitioner) each for a like sum 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 appear 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2020

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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,
UTHAMAPALAYAM,
THENI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10932 of 2020
Date :07/10/2020

KSA
SRS/ SMA/SAR-II/ 09.10.2020/ 3P/5C