



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

Date : 28/10/2020

PRESENT

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

CRL OP(MD). No.11764 of 2020

1. Doss Kennedy

2. K.Savari Rayan

... Petitioners/Accused Rank Not Known

Vs

State Rep. by

The Inspector of Police,

K.Pudur Police Station,

Madurai District.

Crime No. 2266/2020.

... Respondent/Complainant

For Petitioner : M/s.G.Prabhu Rajadurai,
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.2266 of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 147,
294(b), 427, 448 and 506(i) of IPC, in Crime No.2266 of 2020 on the
file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant
is running a textile shop in the church premises and that there was
a dispute between the defacto complainant and the petitioners
herein. Due to that motive, the petitioners along with other
accused persons said to have assaulted the defacto complainant and
abused him by using filthy language and also made life threat to
him. Hence, the complaint.

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

4.The learned counsel appearing for the petitioners submitted
that the petitioners are innocent persons and they have been falsely
implicated in this case. Hence, he seek anticipatory bail.



5.The learned Government Advocate (Crl. Side), on instructions, submitted that the injured person has already been discharged from the hospital.

6.Considering the fact and circumstances of the case and considering the fact that dispute is pending between the parties with regard to run shop in the church premises and the injured persons has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of Two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2020

/ 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.VI,
MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-7201[I] dated 29/10/2020)

ORDER
IN
CRL OP(MD) No.11764 of 2020
Date :28/10/2020

KSA
JM/PN/SAR II/03.11.2020/3P/6C