



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.12246 of 2020

1. S.M.Raja
2. Ramaraj

... Petitioners/Accused No.1&2

Vs

State, Represented by
The Inspector of Police,
Aundipatty Police Station,
Theni District.
(Cr No.920/2020)

... Respondent/Complainant

For Petitioners : M/s.K.Gokul,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

For Intervenor : M/s.Sunderasan, Advocate

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

PRAYER :-

For an Anticipatory Bail in Cr No.920 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC seek anticipatory bail.

2.The case of the prosecution is that due to some dispute in the temple festival the petitioners herein along with other accused said to have abused the defacto complainant, assaulted him and also threatened him with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured was discharged from the hospital.



4. The learned counsel for the defacto complainant would submit that the petitioner are habitual offenders and A1 in this case is having one previous case.

5. The learned Government Advocate (Crl.Side) would submit that the injured person 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 the injured was 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (out of which one shall be blood related surety), 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 at 10.30 a.m., for a period of two weeks and thereafter as and 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

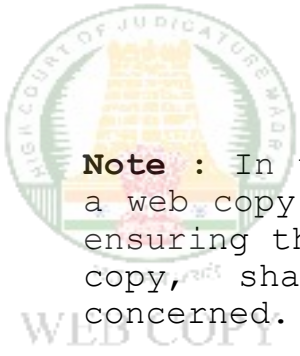
sd/-

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

+1 CC to M/s.K.GOKUL, Advocate (SR-7253[I] dated 03/11/2020)

ORDER

IN

CRL OP(MD) No.12246 of 2020

Date :03/11/2020

AAV

TE/JC/SAR-III : 05/11/2020 : 3P/6C