



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

Date : 11/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12858 of 2020

Karthick

... Petitioner/Accused NO.10

Vs

The State rep. by
The Inspector of Police,
Periyakulam Police Station
Theni District.
Crime No. 381/2019.

... Respondent/Complainant

For Petitioner : Mr.R.Gandhi,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For anticipatory bail in Crime No. 381 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who arrayed as 10th accused apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.381 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons questioned his relative for bursting crackers. When the same was questioned by the defacto complainant, the accused persons attacked him and threatened. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate (Criminal side) submitted that no previous case is pending against the petitioner.

5.Under these circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood 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 whenever his presence is 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/-
11/11/2020

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

+1 CC to M/s.R.GANDHI, Advocate (SR-7494[I] dated 11/11/2020)

ORDER
IN
CRL OP(MD) No.12858 of 2020
Date :11/11/2020

RMK
SRS/JC/SAR-II/24.11.2020/3P/6C