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

Date : 27/11/2020

PRESENT

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

CRL OP(MD) . No.13540 of 2020

V.Prabakaran @ Prabakar ... Petitioner/Accused No.16

Vs

The State rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No. 624/2020.

... Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

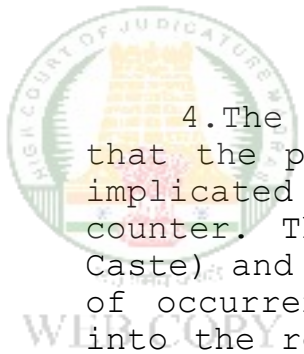
For Anticipatory bail in Crime No. 624 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A16, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 323, 324 & 506 (ii) of IPC seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were said to have abused the defacto complainant by using filthy language and also attacked him with hands and caused injuries. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. 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 it is a case in counter. The petitioner is hailing from Scheduled Caste (Paraiyar Caste) and the defacto complainant belongs to Back Ward. On the date of occurrence, the defacto complainant and his associates entered into the residential area of this petitioner in a drunken mode and abused all the residents by using their caste and hence a case was registered in Crime No. 632 of 2020 against the defacto complainant and his associates. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter and the injured sustained only simple injury and he was treated as out patient.

6.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and it is a case in counter and the injured sustained only simple injury and he was treated as out patient, hence, I am 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

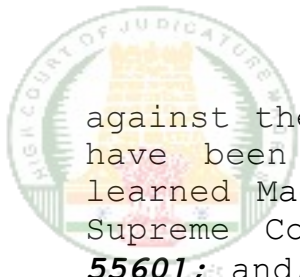
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at **6.30 p.m** for a period of two weeks without fail thereafter, 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/Judicial 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;

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

ORDER
IN
CRL OP(MD) No.13540 of 2020
Date :27/11/2020

dss
AE/AKM/SAR-II (03.12.2020) 3P / 5C