



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

Date : 08/12/2020

PRESENT

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

CRL OP(MD) . No.14279 of 2020

Sundarraaj

... Petitioner/Accused No.2

Vs

State Rep.by,
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
Crime No. 331 of 2020.

... Respondent/Complainant

For Petitioner : Mr.PR Boomee Rajan,
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.331 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
342, 324 and 506(ii) of I.P.C., in Crime No.331 of 2020 on the file
of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that it is case and counter
case. When the defacto complainant was working in his garden, the
petitioner along with A1 came in drunken mood and abused him and
threatened him and attacked him. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the
petitioner is a agriculturist. The defacto complainant and his
associates attacked the petitioner and broken his hands. Hence, the
petitioner was admitted in Government hospital as inpatient.



5. The learned Government Advocate (Crl.Side) states that the injury is simple in nature and the injured person has been discharged from the hospital.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Sivakasi, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood sureties, 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 10.30 a.m and 06.00 p.m., for a period of four weeks and 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/ 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/12/2020

/ 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 NO.II, SIVAKASI

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PR BOOMEE RAJAN Advocate SR.No.7963

ORDER
IN
CRL OP(MD) No.14279 of 2020
Date :08/12/2020

IAS
PK/SMA/SAR-IV/11.12.2020 : 3P/6C