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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.14260 of 2020

1. Thanikodi
2. Gowtham
3. Ragu @ Ragubharathi
4. Prabhu
5. Vishwa @ Kishor ... Petitioners/Accused Nos.1,2,3,6 & 7

Vs

The State, Represented by, its,
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No. 1102 of 2020.

... Respondent/Complainant

For Petitioners : Mrs.S.Vidhya Sagar,
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.1102 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 324 and 506(ii) of I.P.C., in Crime No.1102 of 2020 on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that when the petitioners were celebrating the festival of Diwali by bursting firecrackers, the defacto complainant questioned the petitioners. Therefore, the petitioners had wordy quarrel with the defacto complainant and attacked him. Hence, the compliant.

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4. The learned counsel for the petitioners submitted that due to previous enmity, a false case has been registered against the petitioners and the petitioners did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submitted that the injury sustained by the defacto complainant is simple in nature and he discharged from the hospital.

6. Considering the facts and circumstances of the case and the fact that the injured discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two 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 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/-
08/12/2020

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

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-7997[I] dated 09/12/2020)

ORDER
IN
CRL OP(MD) No.14260 of 2020
Date :08/12/2020

IAS
AE/SMA/SAR-III (11.12.2020) 3P / 6C