



WEB COPY

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.14263 of 2020

Jeba Prabhu @ Jeya Prabhu

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No. 534 of 2020

... Respondent/Complainant

For Petitioner : Mr.A.Oli Raja, 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.534 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), 323, 324 and 506(ii) of I.P.C., in Crime No.534 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 30.11.2020, the petitioner abused the defacto complainant and attacked him with iron rod and caused life threat to him while he was doing his work at his place. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and in order to incriminate the petitioner, a false complaint has been lodged.



5. The learned Government Advocate (Crl. Side) submitted that two previous cases are pending against the petitioner and the injured person has been discharged from the hospital.

6. Considering the facts and circumstances of the facts and the fact that the injured has been discharged, 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, Srivaikundam, and on his executing 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 should stay at Madurai District for a period of four weeks and report before the Inspector of Police, Thallakulam Police Station, Madurai District, daily at 10.30 a.m. and thereafter should 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 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/-

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

COPY TO:-

THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

+1 CC to M/s.A.OLIRAJA, Advocate (SR-7998[I] dated 09/12/2020)

ORDER
IN
CRL OP(MD) No.14263 of 2020
Date :08/12/2020

IAS
TE/JC/SAR-IV : 11/12/2020 : 3P/7C