



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2020

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PRESENT

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

CRL OP(MD) No.14384 of 2020

1. Sankar
2. Rethinam
3. Mani

... Petitioners/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Manapparai Police Station, Trichy District.
Crime No. 1775 of 2020.

... Respondent/Complainant

For Petitioners : Mr.C.Bharathi, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1775 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(Criminal Side) appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 143, 341, 294(b), 353, 506(i) and 307 of I.P.C., in Crime No.1775 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners along with other accused conducted agitation against the Thasildar, Manapparai by blocking the road on 01.12.2020 at 03.45 pm. When the defacto complainant questioned the same, A1 and A2 abused him and tried to dash him by JCB. Hence, the case has been registered.

4.The learned counsel for the petitioners submitted that initially the petitioners were not added as accused and thereafter,

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implicated as accused. The petitioners did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate (Criminal Side) submitted that the petitioner tried to dash the defacto complainant with a motive.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Manapparai, Trichy District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one blood surety 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 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/-

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

ORDER
IN
CRL OP(MD) No.14384 of 2020
Date :09/12/2020

IAS
SRS/SMA/SAR-IV/14.12.2020/3P/5C