



WEB COPY

D.No.45B, Thattar Street,

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

Date : 15/12/2020

PRESENT

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

CRL OP(MD) .Nos.14776 and 14781 of 2020

Godwin ...Petitioner/Accused No.2 in
Crl OP(MD)No.14776 of 2020

Maharaja ...Petitioner/Accused No.1 in
Crl.OP(MD)No.14781 of 2020

Vs

The State, Represented by its,
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Crime No.504 of 2020.

...Respondent/Complainant
in both Crl.O.Ps

In Both Crl.O.Ps

For Petitioner : Mr.A.Oli Raja,
Advocate.

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

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

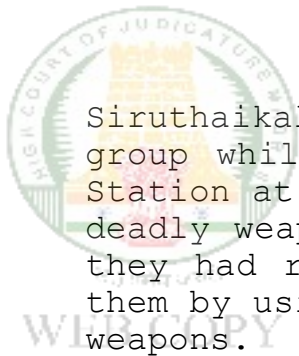
PRAYER :-For Anticipatory Bail in Crime No.504 of 2020 on the file
of the Respondent Police.

COMMON ORDER

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(a), 324 and 307 IPC, in Crime No.504 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Vembadimuthu lived with his family members in the Nathankinaru Village. Further, the defacto complainant is holding a political status as a District President in the Vidhuthalai

<https://hcservices.ecourts.gov.in/hcservices/>



Siruthaikal Party. Meanwhile, the defacto complainant along with his group while standing outside the Temple near Thiruchendhur Railway Station at that time the accused persons came in the motorcycle with deadly weapons. All of a sudden, on seeing the defacto complainant, they had restrained the defacto complainant's group and had abused them by using filthy language and assaulted them by using the deadly weapons. In the event of same, the defacto complainant had sustained severe injuries and he had been admitted in the Government Hospital. Hence, the case has been registered.

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

4.The learned counsel appearing for the petitioner submitted that during the alleged occurrence, the petitioners are not present in the occurrence place, but they were added as accused. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the alleged offence is not made out against the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case, this Court is 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related 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 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
<https://hccourtscorpus.in/hccservices> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/12/2020

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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, TIRUCHENDUR.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+2 CC to M/s.A.OLIRAJA, Advocate (SR-8229,8230[I] dated 16/12/2020)

ORDER

IN

CRL OP(MD).Nos.14776 and 14781 of 2020

Date :15/12/2020

vsd

AE/SMA/SAR-IV (23.12.2020) 3P / 7C