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

Date : 17/12/2020

PRESENT

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

CRL OP(MD) . No.15023 of 2020

Udhaya Kumar @ Uthaya

... Petitioner/Accused No.5

Vs

State through
The Inspector of Police,
South Police Station,
Thoothukudi District.
Crime No. 825 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.Sreenisha, Advocate
M/s.Sissy Law Associates

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. 825 of 2020 on the file of the respondent Police.

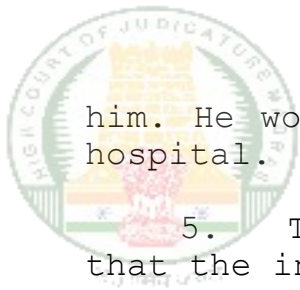
ORDER : The Court made the following order :-

The petitioner/A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,341,294(b),324,307,506(ii) and 427 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to wordy quarrel the petitioner herein along with others said to have the defacto complainant,assaulted with deadly weapons and also caused injuries.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against



him. He would also submit that the injured was discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that the injured person was also discharged from the hospital.

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6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blooded 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 shall stay at Dindivanam and report before the Dindivanam Police Station daily at 10.30 a.m. and 5.30 p.m, for a period of three weeks and thereafter before the respondent police 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/-
17/12/2020

/ 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.I,
THOOTHUKUDI.
- 2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE INSPECTOR OF POLICE,
DINDIVANAM POLICE STATION, DINDIVANAM

+1. CC to M/S.SISSY LAW ASSOCIATES Advocate SR.No.26536

ORDER
IN
CRL OP(MD) No.15023 of 2020
Date :17/12/2020

AAV

AE/SMA/SAR-III (21.12.2020) 3P / 7C