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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16139 of 2020

1. Vellathai
2. Gurursamy
3. Krishnan @ Krishnasamay
4. Karthick

... Petitioners/Accused

Vs

State of Tamil Nadu
Rep.by The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No. 803/2020.

... Respondent

For Petitioners : M/s.U.Kasipandian
Advocate.

For Respondent : Mr.M.V. Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 803/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment against Women Act, in Crime No.803 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel the petitioners are said to have attacked the defacto complainant and caused grievous injuries. This is a case in counter case.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the 1st and 4th petitioner are having one previous case and the injured has been discharged from the hospital. He would further state that this is a case in counter case.

5.Considering the above facts and circumstances of the case and also considering the fact that this is a case in counter case and that the the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, on condition that the petitioners shall execute 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/12/2020

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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 NO.II, KOVILPATTI.

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

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

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

+1cc to Mr. U.Kasipandian, Advocate in SR.No.05

ORDER
IN
CRL OP(MD) No.16139 of 2020
Date :30/12/2020

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AE/KV/SAR-III (04/01/2021) 3P / 6C