



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD). No.216 of 2021

Kombaiah @ Chikka

... Petitioner/Accused No.4

Vs

The State Rep. by
The Sub Inspector of Police,
A. Mukkulam Police Station,
Virudhunagar District.
Crime No.35 of 2018.

... Respondent/Complainant

For Petitioner : M/s.Malaiyendran.V,
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.35 of 2018 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections
147,148,294(b),323, 324, 506(ii) of IPC and Section 3 of TNPPDL Act
seeks anticipatory bail.

2.The case of the prosecution is that due to some wordy quarrel
the petitioner herein along with other accused said to have abused
the defacto complainant, assaulted him and also threatened with
dire consequences and also caused damage to the shop of the defacto
complainant. Hence the complaint.

3. 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 got discharged from the
hospital.



4. The learned Government Advocate (Crl.Side) would submit that the injured got discharged from the hospital. He would also submit that some of the co-accused were released on bail by the Sessions Court and this Court.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured got discharged from the hospital and also the fact that some of the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Aruppukottai on condition that the petitioner 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 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 report 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/-
08/01/2021

/ TRUE COPY /

/ /2021

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, ARUPPUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
A. MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-156[I] dated 08/01/2021)

ORDER
IN
CRL OP(MD) No.216 of 2021
Date :08/01/2021

AAV
TE/SMA/SAR-IV : 18/01/2021 : 3P/6C