



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

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.449 of 2021

Ayyappan

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
In Cr No.1164/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chidambaram,
Advocate.

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

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

PRAYER :-

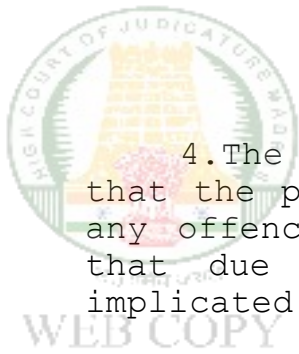
For Anticipatory Bail in Crime No.1164/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 324, 307 and 506(ii) of IPC, in Crime No.1164 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.11.2020 while the defacto complainant and others celebrated the Diwali with crackers, the first accused and other accused came by bike with rash and negligent manner. When the same was questioned by the defacto complainant, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner said to have abused the defacto complainant by using filthy language and also assaulted him with deadly weapons. Hence, the present complaint.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that totally there are seven accused in this case, in which, the petitioner has been arrayed as A3. Based on the confession of A3, A1 and A2 surrendered before the learned Judicial Magistrate, Sathankulam on 30.11.2020. Based on the confession given by A1 and A2, A5 and A6 have been implicated as accused. He further submitted that the injured persons has already been discharged from the Hospital on 06.01.2021. A5 and A6 have been granted anticipatory bail by Prinicipal District Judge, in Cr.M.P.No.7212 of 2020, by order dated 06.12.2020.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital on 06.01.2021, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2021

WEB COPY

/ 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 NO.IV,
TIRUNELVELI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3.THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.449 of 2021
Date :18/01/2021

VSG
PK/JC/SAR-II/25.01.2021 : 3P/5C