



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.1071 of 2021

Rajkumar ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Adiramapptinam Police Station,
Thanjavur District.
Crime No.1463/2020.

... Respondent/Complainant

For Petitioner : Mr.K.Muthuvai Ilaiyaraja,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.1463 of 2020 on the
file of the respondent Police.

ORDER : The Court made the following order :-

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

2. Heard both sides.

3.The case of the prosecution is that the petitioner along with
other, said to have abused the defacto complainant with filthy
language and assaulted him with stone and the defacot complainant
sustained injury. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has been falsely implicated
in this case. He would further submitted that this is the second
anticipatory bail application. He would further submit that te
defacacto complainant sustained only simple injury and now, he was
discharged from the hospital and hence, he prayed for grant of
anticipatory bail to the petitioner.



5. The learned Government Advocate (Crl.Side) would submit that the petitioner and the injured/defacto complainant are the brothers. Earlier anticipatory bail application in Crl.OP(MD). No.16039 was dismissed on 30.12.2020. Now, the injured was discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured 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, Pattukottai, Thanjavur District 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 daily at 10.30 a.m., for 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/02/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ADIRAMAPTTINAM POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1071 of 2021
Date :01/02/2021

DSS
MS/VR/SAR-1/04.02.2021/3P.5C