



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

Date : 09/02/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.1612 of 2021

Aanestraj @ Anshtent Alagarsamy ... Petitioner/1st Accused

Vs

The State Rep.by,
The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.

In Crime No 1346 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Karthikyea
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.1346 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 147, 148, 294 (b), 323, 324, 307 and 506 (ii) of IPC and 83 (2) of Juvenile Justice Act, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 14.11.2020, when the defacto complainant went to the TASMACH Shop, the petitioner along with the other accused said to have attacked the defacto complainant and his friends with deadly weapons and caused injuries.

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 also submit that this is the second anticipatory bail application. The co-accused were already released on bail and the injured was discharged from the hospital. He would



further submit that by this time, the investigation might have been completed and he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) submitted that this is the second anticipatory bail application. Earlier bail application was dismissed by this Court, on the ground that the petitioner is having six previous cases. He also produced CD file before this Court and he submitted that the investigation is almost over and charge sheet has to be filed before the concerned Magistrate. He further submitted that the injured was discharged from the hospital.

6.It is seen that the first anticipatory bail application in Crl.OP(MD)No.16012 of 2020 was dismissed on 31.12.2020 while I was sitting in the vacation on the ground that the petitioner appears to have involved in six previous cases. This is the second anticipatory bail application filed on the ground that a major portion of the investigation is over and co-accused were either released on bail or on anticipatory bail.

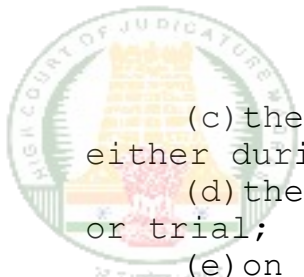
7.Perusal of CD file shows that the investigation is almost over and charge sheet has to be filed by the Investigation Agency. Since the investigation is almost over and co-accused were either released on bail or anticipatory bail, it appears that the custodial interrogation of the petitioner is not required by the Investigation Agency. Further, the injured was discharged from the hospital, on the same day of admission. It is also submitted that the matter is compromised between the parties.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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.V, Madurai, 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



(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/-

09/02/2021

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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.

TO

1.THE JUDICIAL MAGISTRATE NO.V, MADURAI.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
APPANTHIRUPATHI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1612 of 2021

Date :09/02/2021

DSS

PK/JC/SAR-III/15.02.2021 : 3P/5C

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