



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

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2823 of 2021

1.Nagaraj
2.Jeya

... Petitioners/Accused 1 & 2

Vs

State Rep.by,
The Inspector of Police,
Bodinayackanur Town Police Station,
Bodinayackanur,
Theni District.
Crime No.64 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Suriya Narayanan,
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.64 of 2021 on the file of the Respondent Police.

ORDER :The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC., in Crime No.64 of 2021, on the file of the respondent Police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they are nothing to do with the alleged offence and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that on 04.12.2020, the petitioners went to the house of the defacto complainant and attacked him and also threatened with dire consequences. The injured is treated as outpatient.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured is treated as outpatient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kanur, Theni District, 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, 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;

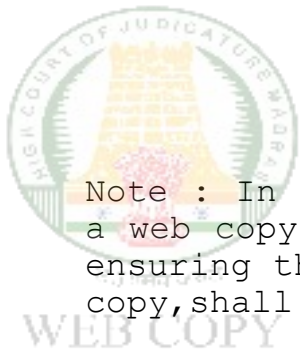
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2021

/ 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, KANUR,
THENI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
- 3.THE INSPECTOR OF POLICE,
BODINAYACKANUR TOWN POLICE STATION,
BODINAYACKANUR, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2823 of 2021
Date :01/03/2021

MPK
PK/JC/SAR-I/05.03.2021 : 3P/5C