



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2988 of 2021

S.Sundara Moorthi

... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District
Crime No. 33/2021.

... Respondent/Complainant

R.Vishwanathan

... Petitioner/Intervener/
De-facto Complainant
in CRL MP(MD)No.1827 OF 2021
in CRL OP(MD)No.2988 of 2021

For Petitioner : Mr.K.Ramanathan,
Advocate.

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

For Intervener : Mr.J.Anandakumar
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 307 of IPC, in Crime No.33 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner was said to have caused cut injury by knife on the left ear of the defacto complainant. 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 has been arrayed as accused and he had admitted the dispute with the owner of the defacto complainant viz., Vetrivel. According to the prosecution, there is a dispute between the petitioner and the owner of the defacto complainant and not with the defacto complainant. He further submitted that the petitioner has been falsely implicated in this case. He further submitted that the injured person has already been discharged from the hospital. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener/defacto complainant submitted that the petitioner drawn knife and attacked the back side on the ear of the defacto complainant and caused cut injuries and also threatened the defacto complainant's wife. Hence, he opposed the petition.

6. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

7. Considering the facts and circumstances of the case and also considering the fact that due to previous enmity, the occurrence said to have taken place and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 District Munsif Cum Judicial Magistrate Court, Thiruvadanai, Ramanathapuram 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 a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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/-

11/03/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2.-DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2988 of 2021

Date :11/03/2021

vsg

AE/JC/SAR-I (16/03/2021) 3P / 5C