



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3422 of 2021

Durai

... Petitioner/Accused No.1

Vs

The State Rep. by
The Sub-Inspector of Police,
Karaiyur Police Station,
Pudukkottai District
Crime No. 222/2020

... Respondent/Complainant

For Petitioner : Mr.Pitchaimuthu.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.222 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324, 341 and 506(ii) of IPC seeks anticipatory bail.

2.The defacto complainant in this case is the informer about illegal sand mining and transportation of river sand. Earlier the defacto complainant said to have informed about the illegal sand mining to the police, due to that on 25.08.2020 A2 in this case said to have attacked the brother of the defacto complainant. Thereafter on the very same day about 11.00 am all the accused went to the house of the defacto complainant and also tried to attack his brother, however he escaped and ran into the agricultural field, where all the accused abused him and when the same was informed to the defacto complainant he rushed to the scene of occurrence where all the accused persons attacked him with iron rod and caused



injuries. Hence he was immediately taken to hospital where statements were recorded. Based on the same crime was registered.

3. The learned counsel for the petitioner submitted that it is a case and case in counter. Earlier the defacto complainant attacked the petitioner and others herein and caused serious injuries. Based on the complaint given by the petitioner crime was registered for the offences under Sections 147, 148, 323, 324 and 307 of IPC in Crime No. 223 of 2020. He further submitted that the petitioner is an innocent and a false case has been foisted against him.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is a habitual offenders and involved in illegal sand mining. When the defacto complainant informed about the illegal sand mining of the petitioner and others herein the petitioner and others tried to attack brother of the defacto complainant however he escaped and ran into the agricultural field, where all the accused abused him and when the same was informed to the defacto complainant he rushed to the scene of occurrence where all the accused persons attacked him with iron rod and caused injuries.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Iluppur, Pudukottai 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 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



(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/-

04/03/2021

/ 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,
ILUPPUR, PUDUKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3422 of 2021

Date : 04/03/2021

VSG

TE/SMA/SAR-IV : 09/03/2021 : 3P/5C