



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

WEB COPY

PRESENT

The Hon`ble **Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) . No.3599 of 2021

P.Rathakrishnan

... Petitioner/Accused No.4

Vs

The State rep.by,
The Sub Inspector of Police,
Poovanthi Police Station,
Sivagangai District
Crime. No.33/2021.

... Respondent/Complainant

For Petitioner : M/s.Anbarasan.K.,
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. 33 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused 4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 379(NH) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was travelling in bike, the petitioner waylaid him and snatched his cell phone and attacked him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.



4. The learned Government Advocate(Crl.Side) would submit that the injured got discharged from the hospital. He further submitted that there was no previous case against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured got 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate NO.II, Sivagangai, Sivagangai 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 for a 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 petitioners 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/-

11/03/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



rmk

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.II,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE SUB INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3599 of 2021

Date :11/03/2021

NR/VR/SAR-III(22.03.2021) 3P:5C