



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4446 of 2021

Lakshmanan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
Crime No.25/2021.

... Respondent/Complainant

For Petitioner : M/s.Thiruvadi Kumar.A.,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

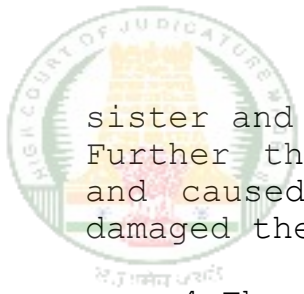
For Anticipatory Bail in Crime no. 25 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the first accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 307, 363, 427, 506(ii) I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, on the file of the respondent police, seeks anticipatory bail.

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

3.The case of the prosecution is that on 30.01.2021 the petitioner along with other accused unlawfully assembled together and went to the house of the defacto complainant's



sister and abused the defacto complainant and attempted to murder. Further they had also kidnapped the defacto complainant's sister and caused harassment to her and criminally intimidated her and damaged the household articles.

4.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Both the petitioner and the defacto complainant's sister's husband namely Murugan @ Yamaha Murugan are friends. He would also submit that co-accused / A3 in this case was already granted bail in Crl.O.P.(MD)No.2395 of 2021, dated 16.02.2021 and the injured already discharged from the hospital, hence he seeks anticipatory bail.

5. The learned Government Advocate(Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is arrayed as A1. He would submit that 30.01.2021 the petitioner along with other accused unlawfully assembled together with deadly weapons went to the house of the defacto complainant's sister and abused the defacto complainant and attempted to murder. Further they had also kidnapped the defacto complainant's sister and caused harassment to her and criminally intimidated her and damaged the household articles. He would also submit that the injured discharged from the hospital.

6.It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A1. The defacto complainant had attacked the petitioner herein, for which, he was arrested and later, the petitioner along with the other accused are said to have gone in search of the defacto complainant and thereafter, he took away the wife of the defacto complainant forcibly and later, let her off.

7.Considering the facts and circumstances of the case and also considering the fact that Co-accused/ A3 in this case was already granted bail in Crl.O.P.(MD)No.2395 of 2021, dated 16.02.2021 and the injured was already discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is partly allowed and 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.I, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, 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

<https://hccservices.courts.gov.in/hccservices/> 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 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/-
23/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



3 THE INSPECTOR OF POLICE
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT

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

ORDER

IN

CRL OP(MD) No.4446 of 2021

Date :23/03/2021

NR/PN(01.04.2021) 4P:5C