



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5071 of 2021

Kuppusamy ... Petitioner/Accused
Vs

State rep by
The Inspector of Police,
Thottiyam Police Station,
Trichy.
Cr.No.128 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Ranjith Kumar.J.,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

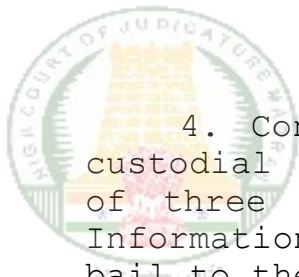
For Anticipatory Bail in Crime No.128 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b) and 506(i) I.P.C., in Crime No.128 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that during the campaign, the petitioner alleged to have scolded the defacto complainant viz., Anbazhagan. The case is registered for the offences under Sections 294(b) and 506(i) I.P.C. The offence under Section 294(b) I.P.C., is bailable offence and the offence under Section 506(i) I.P.C., is non-bailable offence.



4. Considering the facts and circumstances of the case where custodial interrogation is not necessary and that there is a delay of three days in giving a complaint and registering the First Information Report, this Court is inclined to grant anticipatory bail to the petitioner.

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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Musiri, Tiruchirappalli, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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 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]**.

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07.04.2021

/ TRUE COPY /

/ /2021

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

SSL

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, MUSIRI, TIRUCHIRAPPALLI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5071 of 2021
Date : 07/04/2021

VB/SMA/SAR-III (17/04/2021) 3P / 5C