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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5245 of 2021

1. K.Radhakrishnan
2. N.Ramamoorthy
3. S.Kamaraj
4. V.Selvam
5. R.Kandasamy @ Kandaiah
6. R.Jothi @ Perumal ... Petitioners/Accused 1 to 6

Vs

The State through
The Inspector of Police,
Balaviduthi Police Station,
Karur District.
Cr.No. 58 of 2021. ... Respondent/Complainant

For Petitioners : M/s.Athimoolapandian P,
Advocate.
For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

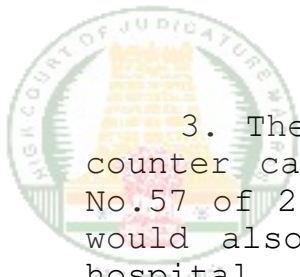
PRAYER :-

For Anticipatory Bail in Crime No.58 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143,147,294(b),324 and 506(ii) of IPC seek anticipatory bail.

2. The case of the prosecution is that in the election campaign there was a dispute between and fist fight between two groups, in which some of the persons got injured. Hence the complaint.



3. The learned counsel for the petitioners would submit that a counter case has been registered against the petitioners in Crime No.57 of 2021 against the defacto complainant and it is pending. He would also submit that the injured has been discharged from the hospital.

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4. The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital and that a case and counter has been registered in Cr.No.57/2021 and that there is no previous case against the petitioners.

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 and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Kuzhithalai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 first petitioner shall report before the respondent police daily at 6.30pm., until further orders and the petitioners 2 to 6 shall report respondent police daily at 10.30 am., until further orders

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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/-
15/04/2021

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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 NO.I
KUZHITHALAI, KARUR DIST
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR
- 3 THE INSPECTOR OF POLICE
BALAVIDUTHI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ATHIMOOLAPANDIAN P Advocate SR.No.3081

ORDER
IN
CRL OP(MD) No.5245 of 2021
Date :15/04/2021

SMA/PN/SAR-2/19.04.2021 : 3P/6C
SMA/PN/SAR-/19.04.2021 : P/C
SMA/PN/SAR-/19.04.2021 : P/C