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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5334 of 2021

Gopal Thevar

... Petitioner/Accused No.2

Vs

The State rep by its
The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
Cr No. 64/2021.

... Respondent/Complainant

For Petitioner : Mrs.Malini.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.64 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 341 and 506(ii) of IPC, in Crime No.64 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel arose between the petitioner and others and the defacto complainant, in which, the petitioner and other accused persons said to have abused the defacto complainant by using filthy language and also assaulted him with Aruval. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the injured has been discharged from the hospital and that there is no previous case against the petitioner.

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5. Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506 (ii) IPC, all other offences are bailable in nature and the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Virudhunagar, within a period of fifteen days from the date of receipt of a copy of this order, on their 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]**.

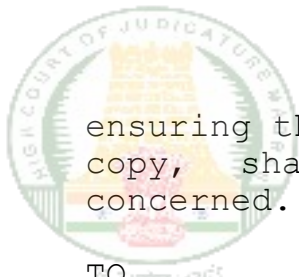
[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16.04.2021

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/ /2021

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



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.2, VIRUDHUNAGAR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.P.MALINI, Advocate (SR-3126[I] dated 16/04/2021)

ORDER

IN

CRL OP(MD) No.5334 of 2021

Date : 16/04/2021

VB/PN/SAR-I (22/04/2021) 3P / 6c