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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5451 of 2021

1.Pathalamurugan
2.Arunkumar

... Petitioners/Accused Nos.1 & 2

Vs.

The Inspector of Police,
Chathirakudi Police Station,
Ramanathapuram District.
(Crime No.101 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Senthil.D.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.101 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 341, 294(b), 323, 324 IPC, in Crime No.101 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, on 11.04.2021 at about 9.00 p.m. the defacto complainant and his brother came to



their house after completing their work, the petitioners waylaid the defacto complainant and his brother and attacked them with iron rod and caused injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the injured has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that except the offence under Section 324 IPC, all other offences are bailable in nature and the fact that the injured has already been discharged from the hospital, 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 on their appearance before the learned Judicial Magistrate, Paramakudi, 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) each with two sureties each for a like sum to the satisfaction of the said Magistrate 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 petitioners shall report before the respondent police daily at 10.30 a.m. 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]**;



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

sd/-
27/04/2021

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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,
PARAMAKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CHATHIRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SENTHIL.D. Advocate SR.No.3455

ORDER
IN
CRL OP(MD) No.5451 of 2021
Date :27/04/2021

AMS/VR/SAR-1/04/05/2021/3P/6C