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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5562 of 2021

S.Gopinath, ... Petitioner/Accused No.1

Vs

State Rep. By its
The Inspector of Police,
Cantonment Police Station,
Trichy District.
(Crime No. 492 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Anandakumar N,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

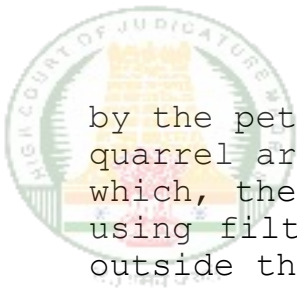
PRAYER :-

For Anticipatory Bail in Crime No.492 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.492 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was watching movie in Saravana Theatre, at Trichy and recorded the movie in his mobile camera and the same was questioned



by the petitioner and other accused, due to which, there was a wordy quarrel arose between the petitioner and the defacto complainant, in which, the petitioner said to have abused the defacto complainant by using filthy language and also attacked him inside the theater and outside the theater. Hence, the present complaint.

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3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and that a case in counter has been registered in Crime No.493 of 2021 for the offence under Sections 294(b), 323 and 506(i) of IPC against the defacto complainant. 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 sustained only simple injury and he has been treated as out patient and that there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the injured sustained only simple injury and he has been treated as out patient and that there is no previous case pending against the petitioner, 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.II, Trichy, 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 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



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.

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sd/-
20/04/2021

/ TRUE COPY /

/ /2021
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.II,
TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5562 of 2021
Date :20/04/2021

AMS/VR/SAR-1/04/05/2021/3P/5C