



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

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.5741 of 2021

WEB COPY

Kalikannan

... Petitioner/Accused No.2

Vs

State rep by
The Sub Inspector of Police,
Peraliyoor Police Station,
Ramanathapuram District
Cr No.58/2021.

... Respondent/Complainant

For Petitioner : M/s.Muthusamy.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 petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(B), 341, 324, 506(ii)IPC in Crime No.58 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
and one Rajivgandhi are friends. There was a dispute between the
said Rajivgandhi and his relative one Ramu with regard to the buying
jewels and the defacto complainant supported his friend. Due to
that motive, the petitioner and his father way laid the defacto
complainant and attacked him with spade and caused injuries. Hence,
the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that the
injured person has already been discharged from the hospital.

5.Considering the nature of the case and the fact that injured
person has been discharged from the hospital, this Court is inclined
to grant anticipatory bail to the petitioner.



6. At this juncture, the learned counsel for the petitioner submitted that the Kamuthi Bar Association has passed a resolution that Advocates from the Kamuthi Bar Association should not appear on behalf of the petitioner and he prayed that condition may imposed to appear before the learned Judicial Magistrate, Paramakudi.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 respondent police daily at 10.30 am., until further orders.

[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.

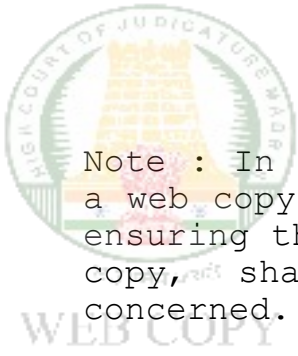
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
26.04.2021

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

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-3401[I] dated 27/04/2021)

ORDER
IN
CRL OP(MD) No.5741 of 2021

Date : 26/04/2021

VB SKN SAR I(04/05/2021) 3P / 6c