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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5835 of 2021

1. Muthuramalingam
2. Karuppasamy ... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.296/2021. ... Respondent/Complainant

For Petitioners: Mr.M.Prabu,
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.296 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of IPC r/w Section 4 of TNPWH Act in Crime No.296 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the de-facto complainant, on the date of occurrence, there was a wordy quarrel arose between themselves, the petitioners are said to have attacked the de-facto complainant with wooden stick and abused him with filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would 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 there is no previous case is pending 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.II, Kovilpatti, Thoothukudi District 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 petitioners shall report before the 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/-
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/ /2021

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

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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.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
   KOVILPATTI, THOOTHUKUDI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
   THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
   KOVILPATTI WEST POLICE STATION,
   THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5835 of 2021
Date :23/04/2021

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MS/PN/SAR-3/12.05.2021/3P.5C

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