



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

Thursday, the Sixth day of May Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6446 of 2021

1. Loganathan
2. Suresh @ Sureshkumar
3. Suresh

... Petitioners/Accused Rank No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Somarasampet Police Station,
Trichy District ,
Crime No.215 of 2021.

... Respondent/Complainant

For Petitioners : M/s. Sivachandran.P,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.215 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 323 and 506(i) of I.P.C., in Crime No. 215 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that when the defacto complainant was standing in front of his brother's petty shop on



19.04.2021 at about 07.00 pm., the petitioners came by two wheeler and while the first petitioner abused him and attacked him by using fuse carrier, other accused caught hold him. Hence, the present complaint.

4. The learned counsel for the petitioners submitted that due to previous enmity, the defacto complainant lodged the present complaint and the defacto complainant and his henchmen attacked the mother of the second petitioner herein and the same was registered in Crime No.216 of 2021.

5. The learned Government Advocate (Crl. Side) submitted that it is a case in counter case and the injured person has been discharged from the hospital. The petitioners are not having any previous case.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichy, 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 on every Monday 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]; and;



(f)if the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
06/05/2021

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

ORDER
IN
CRL OP(MD) No.6446 of 2021
Date :06/05/2021

IAS
CSL/VR/SAR-IV/19.05.2021 : 3P/5C