



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

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

WEB COPY

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP (MD) . No.6499 of 2021

Lakshmanan @ Lakshmanakumar

... Petitioner/Accused No.3

Vs

State Rep.by,
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
Crime No.86/2021

... Respondent/Complainant

For Petitioner : M/s.Prabu.M., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.86/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 341, 323, 506(ii) of I.P.C., in Crime No.86 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 24.04.2021 at about 08.00 pm., the defacto complainant went to the hotel, at the time, all the three accused pushed the defacto complainant from the bike by using stick and tried to attack with aruval and also scolded him with filthy language. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioner is an innocent and he has been falsely implicated in this case.



5. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital and there is no previous case pending against him.

6. Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and the fact that except 506 (ii) of IPC, other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Kovilpatti, Thoothukudi District and on his executing 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police every Monday at 10.30 a.m., 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]**; and

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

sd/-
06/05/2021

/ TRUE COPY /



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.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALUGUMALAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6499 of 2021

Date :06/05/2021

RMI

CSL/AKM/SAR-IV/18.05.2021 : 3P/5C