



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6983 of 2021

1. Aravind @ Aravindsamy
2. Periyakumar @ Kumar ...Petitioners/Accused No.3 and 4
Vs

State Represented by
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District
Crime No.57 of 2021. ... Respondent/Complainant

For Petitioners : M/s.Mariappan.G.,
Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in the Crime No.57 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 307 of I.P.C., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.04.2021, at about 9.30 p.m., the petitioners herein and other accused said to have assaulted the defacto complainant with hands and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners' name is not in the F.I.R and they are innocent persons and a false case has been foisted against them. The learned counsel for the petitioners further submitted that he is not pressing this petition as regards the second petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioners herein are arrayed as A3 and A4. He would further submit that the injured was also discharged from the hospital and that there is no previous case against the first petitioner alone and there are two previous cases against the second petitioner.

5.As regards the second petitioner, this petition stands dismissed as not pressed.

6.Considering the facts and circumstances of the case and considering the facts that the injured was discharged from the hospital, that except the offence under Section 307 I.P.C., all other offences are bailable and that the first petitioner has no previous case and also considering the impact of COVID-19 pandemic situation and the consequent effect not to congest the prisons, this Court is of the view that the arrest of the first petitioner at this point of time is not necessary and not warranted in the interest of general public at large, hence, this Court is inclined to grant anticipatory bail to the first petitioner alone on certain conditions.

7.The first petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate, Thiruchuli, Virudhunagar District, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

(i) 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.

ii) the first petitioner shall report before the respondent police weekly twice., ie., on every Monday and Friday at 10.30 a.m for a period of thirty days.

iii)the first petitioner shall not tamper with evidence or witness.

iv) the first petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sd/-
26/05/2021

/ /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.

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6983 of 2021
Date : 26/05/2021

VB VR SAR IV(31/05/2021) 3P / 5c