



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7093 of 2021

Rajkumar @ Rajakumar

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No. 147 of 2021

... Respondent/Complainant

For Petitioner : Mr.Sivabalan K,
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 Crime No.147 of 2021 on the file of the Respondent Police.

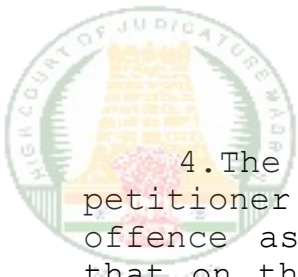
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324 & 506(ii) of I.P.C., in Crime No.147 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.04.2021, at about 2.30 p.m., on receiving an information that the petitioner along with some other persons taken the sand from the garden of the defacto complainant, the defacto complainant went to the spot and questioned the accused persons. At that time, the accused persons scolded him with filthy language and attacked with wooden sticks, for which he sustained simple injury and they also threatened him with dire consequences.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Heard both sides.



4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he had not committed any offence as alleged by the prosecution. Further, he would submit that on the complaint lodged by the petitioner, there is a case in counter case is pending before the same police station in Crime No.146 of 2021 and the co-accused in this case also granted with anticipatory bail by this Court vide order passed in Crl.O.P.(MD). No.6737 of 2021.

5.The learned Additional Public Prosecutor submits that totally 7 accused persons involved in this case. The petitioner is A2. He attacked the defacto complainant with a stick and he sustained injury. The injured person has been discharged from the hospital on 02.05.2021.

6.Considering the facts and circumstances of the case and considering the facts that the case in counter case is pending before the same police station and the co-accused in this case has been released on bail by this Court and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.II, Padmanabapuram, Kanniyakumari 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:

[a] 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 the respondent police as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2021

/ 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.II,
PADMANABHAPURAM,
KANNIYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7093 of 2021
Date :26/05/2021

TM
TE/VR/SAR-IV : 31/05/2021 : 3P/5C