



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

Date : 04/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.7212 of 2021

Sudalai

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No. 239 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

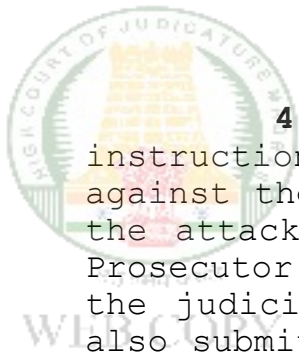
For Anticipatory Bail in Crime No.239 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 326, 307 and 506(ii) of IPC, in Crime No.239 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a temple dispute between the injured and the family of the petitioner and on 30.04.2021, it is alleged that the accused persons had attacked and caused serious injuries to nearly four persons. There are totally four accused persons in this case and the petitioner has been arrayed as A2.

3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner and he has nothing to do with the alleged offence.



4.The learned Additional Public Prosecutor, on instructions, would submit that no overt act has been attributed against the petitioner and it was the petitioner who had instigated the attack on the injured persons. The learned Additional Public Prosecutor further submitted that A1 was arrested and remanded in the judicial custody and A3 and A4 are still absconding. It was also submitted that all the four persons who were injured have been discharged from the hospital. The learned Additional Public Prosecutor concluded his arguments by submitting that there are two previous cases against the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6.Taking into consideration the facts and circumstances of the case and also the fact that the injured persons have already been discharged from the hospital and considering the previous dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation 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 on every Monday at 11.00 a.m. until further orders;

[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]**; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
04/06/2021

/ 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
KOVILPATTI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7212 of 2021
Date :04/06/2021

TM
TK/PN/SAR.3/09.06.2021/3P/5C