



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7753 of 2021

Periyakumar @ Kumar

... Petitioner/Accused No.4

Vs

State represented by,
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District
Crime No.57 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Mariappan,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

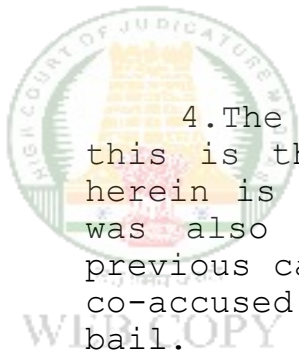
For Anticipatory Bail in the Crime No.57 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 307 of I.P.C., in Crime No.57 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.04.2021, at about 9.30 p.m., the petitioner 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 petitioner would submit that the petitioner's name is not found in the F.I.R and he is an innocent person and a false case has been foisted against him. Hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.Side) would submit that this is the second anticipatory bail petition and the petitioner herein is arrayed as A4. He would further submit that the injured was also discharged from the hospital and that there are two previous cases against the petitioner. He further submitted that the co-accused have already been arrested and thereafter released on bail.

5.Considering the facts and circumstances of the case and considering the facts that the injured has been discharged from the hospital, that except the offence under Section 307 IPC, all other offences are bailable 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 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 petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchuli, Virudhunagar District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 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 petitioner shall not tamper with evidence or witness.

iv) the 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 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].

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

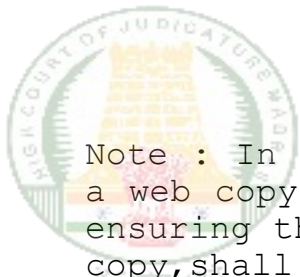
sd/-

18/06/2021

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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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE 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.7753 of 2021

Date : 18/06/2021

TTA

PK/JC/SAR-II/23.06.2021 : 3P/5C