



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

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7914 of 2021

Sakthivel @ M.Sakthimurugan

... Petitioner/13th Accused

Vs

State rep.by,
The Inspector of Police,
Thirukkurungudi Police Station,
Thirukkurungudi,
Tirunelveli District.
Crime No.88 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Senthil Kumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.88 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 alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.88 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.04.2021, at about 09.30 p.m., the accused in this case had attacked the defacto complainant and his party, in connection with the dispute relating to the temple festival. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the 13th accused. All the accused have been granted anticipatory bail by the Sessions Court in Cr.M.P.No.2876 of 2021 on 16.04.2021.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the investigation is pending. However, he submitted that the injured had been discharged from the hospital, who was treated as out-patient.

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5.Considering the facts and circumstances of the case, the fact that the injured had been discharged from the hospital and the co-accused have been granted anticipatory bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner.

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, Valliyoor, Tirunelveli 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 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 card or Bank pass Book to ensure their identity;

[b]the petitioner shall report before respondent police daily, at 10.30 am., 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;

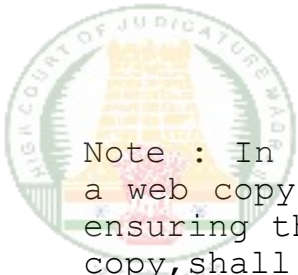
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**; and

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

sd/-
24/06/2021

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/ /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.

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TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR,
TIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUKKURUNGUDI POLICE STATION,
THIRUKKURUNGUDI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.D.SENTHIL KUMAR, Advocate SR.No.4131

ORDER

IN

CRL OP(MD) No.7914 of 2021

Date : 24/06/2021

SM

PK/VR/SAR-III/29.06.2021 : 3P/6C