



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

Date : 29/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8119 of 2021

Kumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pudur Police Station, Pudur,
Thoothukudi District.
Crime No.115/2021.

... Respondent/Complainant

For Petitioner : Mr.B.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. 115 of 2021 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands
of the respondent police for the alleged offences punishable under
Sections 294(b), 323 and 506(ii) of IPC, in Crime No.115 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
is running a Fertilizer Shop. On 15.06.2021 at about 03.30 p.m.,
when he was in his shop, one Kumar had come there and scolded him in
filthy language and also attacked him with a weapon on his head and
face. As a result, he suffered injuries. Therefore, this case came
to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is pending.

5.It is seen from the First Information Report that the petitioner said to have attacked the de-facto complainant with some weapon on his head and face. It is also claimed that the de-facto complainant suffered some serious injuries especially on his right eye. However, the medical report produced by the learned Government Advocate (Criminal side) shows that nothing serious is found in the eyes of the de-facto complainant, in fact, it is stated that no e/o microspherophakia-bil-glacoma intervention needed at present.

6.Considering the facts and circumstances of the case and the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Vilathikulam, Thoothukudi 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:

[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 the respondent police, daily at 10.30 a.m., 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]**;



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

sd/-
29/06/2021

/ TRUE COPY /

WEB 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,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PUDUR POLICE STATION, PUDUR,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8119 of 2021
Date :29/06/2021

SJI
TK/VR/SAR.4/06.07.2021/3P/5C