



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

Date : 07/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8301 of 2021

Sakthikumar

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Medical College Hospital Police Station,
Thanjavur District.
In Crime No.170/2021.

... Respondent/Complainant

For Petitioner : Mr.V.Ramamurthy,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.170 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 506(ii), 353 and 307 of IPC and Section 3 of the Tamil Nadu Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008, in Crime No.170 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The learned counsel for the petitioner would submit that this is the second anticipatory bail petition. Since dismissal of the earlier petition A1 to A4 were arrested and detained under Act.14 of 1982. He would further submit that the petitioner is innocent and he has been falsely implicated in this case.

3.The learned Government Advocate (Crl.side) for the respondent would submit that A1 to A4 were arrested and detained under Act.14 of 1982. He would also submit that the investigation is almost completed.



4. A perusal of the First Information shows that there is no specific overt act attributed against the petitioner except using abusing language.

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner used only abusing language against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with 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 No.II, Thanjavur 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/-

07/07/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
MEDICAL COLLEGE HOSPITAL POLICE STATION,
THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8301 of 2021
Date : 07/07/2021

AAV
PK/JC/SAR-IV/09.07.2021 : 3P/5C