



WEB COPY

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.8221 of 2021

Sakthivel

... Petitioner/Accused No.A7

Vs

The State Rep. by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
(Crime No.29 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Udhayakumar.R.,
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.29 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.7, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 427 and 506(ii) of IPC, in Crime No.29 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused are DMK party and the defacto complainant is AIADMK Party. During the election, on 06.04.2021, at about 3.45 p.m, due to political motive, both the accused and the defacto complainant said to have attacked each other with deadly weapons. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that due to political motive, the petitioners have been falsely implicated in this case. He further submitted that a case in counter has been registered in Crime No.30 of 2021 against the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the State submitted that the injured has been discharged from the hospital and that there is one previous case against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and the fact that there is a counter case has been registered against the defacto complainant in Crime No.30 of 2021 and the fact that the injured person has already been discharged from the hospital, 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 before the Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/06/2021

/ 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,
THIRUPPUVANAM,
SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8221 of 2021
Date :24/06/2021

SSL
TE/JC/SAR-II : 29/06/2021 : 3P/5C