



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

Date : 25/06/2021

PRESENT:

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) .No.8330 of 2021

Duraisamy @ Durai

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Pampan Police Station,
Ramanathapuram District.
Crime No.92/2021.

... Respondent/

For Petitioner : Mr.G.V.Vairam Santhosh,
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.92 of 2021 on the file of the Respondent police.

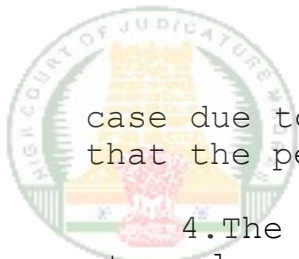
ORDER: The Court made the following order:

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 307 of IPC, in Crime No.92 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was engaged in real estate business. Five days prior to the incident on 16.04.2021, at about 7:00 p.m. when the de facto complainant was standing at Pampan Mayabazaar, the accused came there and scolded him using filthy language and stabbed him stating that the de facto complainant did not sell the land when actually he promised to sell the land and stabbed him six times with a screw driver and 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

<https://hcservices.ecourts.gov.in/hcservices/>



case due to a dispute regarding selling of land. In fact, he alleged that the petitioner paid Rs.1,00,000/- to the de-facto complainant.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not completed. He further submitted that the injured has been discharged from the hospital.

5. The fact of the case was that the accused had in connection with a dispute with regard to selling of land, stabbed the de facto complainant six times with a screw driver at his stomach. Since the injured is said to have discharged from the hospital, 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, Rameshwaram, Ramanathapuram 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/-

25/06/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, RAMESHWARAM
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
PAMPAN POLICE STATION, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8330 of 2021
Date : 25/06/2021

STS
PK/VR/SAR-IV/30.06.2021 : 3P/5C