



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.8360 of 2021
(Through Video Conference)

Sudha @ Suthagar

... Petitioner/Accused No.3

Vs

State rep. By
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Crime No. 25 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Sureshkumar,
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.25 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), 342, 323 and 506(ii) of IPC, in Crime No.25 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 26.02.2021 at about 6:00 p.m. when the de facto complainant was attending to his goats, one Sebastian had come in a two-wheeler in a rash manner. Another person, namely, Palaniappan came in another two-wheeler after Sebastian and he asked the de facto complainant to stop Sebastian. When the de facto complainant tried to stop Sebastian, he did not stop the vehicle. The de facto complainant asked Palaniappan as to what had happened for which he replied stating that Sebastian used to stare upon him and pick up fight with him, whenever Palaniappan



Selva, Sudha and Jegadheesh and scolded the de facto complainant using filthy language for stopping Sebastian at the instance of Palaniappan. Sebastian and Selva had beaten the de facto complainant. 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 is not completed. He would further submit that the injured has been discharged from the hospital.

5.This case was registered on 28.02.2020 and the investigation would have been completed by this time. The injured has also been discharged from the hospital. Taking all these facts into account, 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-I, Karaikudi 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

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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.

TO

- 1.THE JUDICIAL MAGISTRATE No.I, KARAIKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8360 of 2021
Date :25/06/2021

STS
TK/PN/SAR.2/30.06.2021/3P/5C