



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8441 of 2021

Sekar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Crime No.352 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.352 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 294(b), 323, 324 and 506(ii) of IPC in Crime No.352 of
2021, seeks anticipatory bail.

2.The case of the prosecution is that on 18.06.2021, at about
05.45 p.m., the accused have attacked the defacto complainant and
his father, due to which they suffered injuries. Therefore, this
case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the co-accused have been
granted anticipatory bail by this Court in Crl.O.P.(MD)No.8359 of
2021 dated 25.06.2021.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police opposed this petition on the ground that the
investigation is not completed. However, he submitted that the

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



injured has been discharged from the hospital. He also conceded that the co-accused have been granted anticipatory bail by this Court in Crl.O.P.(MD)No.8359 of 2021 dated 25.06.2021.

5.It is seen from the submissions that two of the accused have been arrested and have also been released on bail. Considering the nature of the offence that had happened due to the issue that arose out of playing Cricket and also the fact that the injured has been 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 No.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 conditions 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 respondent police daily, at 10.30 am., 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]**; and

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

sd/-
28/06/2021

/ 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 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.

+1. C.C. to Mr.P.SURESHKUMAR Advocate SR.No.4256

ORDER

IN

CRL OP(MD) No.8441 of 2021

Date :28/06/2021

SM

TK/MNR/SAR.4/30.06.2021/3P/6C