



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

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8580 of 2021

1. Suresh
2. Sampantham
3. Prakash
4. Santhosh

... Petitioners/Accused Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
Patteeswaram Police Station,
Thanjavur District.
Crime No. 106/2018..

... Respondent/Complainant

For Petitioners : Mr.B.Jameelarasu,
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.106 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.106 of 2018 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that on 29.04.2018 at about 09.30 pm., when the defacto complainant was coming in the motor vehicle along with his friend namely., Senthil, they were waylaid by the accused and the accused abused them. When they questioned the accused, all the accused joined and started to attack them with their hands. At that time, Suresh took Aruval and attacked the



defacto complainant with Aruval and caused him injury on his forehead and as a result, he suffered injuries. One Viramani, who tried to intervene was also attacked by Aruval. Therefore, the present case came to be registered.

4.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital.

6.It is seen that FIR was registered on 08.05.2018 and it is more than three years since the registration of FIR. Therefore, investigation might have been completed. Injured is discharged. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Kumbakonam, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
30/06/2021

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/ /2021

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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.II, KUMBAKONAM.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PATTEESWARAM POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8580 of 2021
Date :30/06/2021

IAS
AE/VR/SAR-II/02.07.2021/3P/5C