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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8652 of 2021

Sathya @ Sathiyaraj

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Sessions Court Police Station,
Trichy.
(Crime.No 273 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Arunraj.K.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

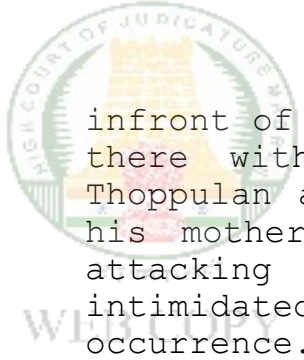
PRAYER :-

For Anticipatory Bail in Crime. No. 273 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 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.273 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.06.2021, at about 06.45 p.m., the defacto complainant was speaking with his friends, Arun and Ramkumar at Vinayagar Kovil in Nayakkar Street. Sathya, Robin, Thimothu and Thoppulan were fighting among themselves. They attacked the defacto complainant alleging that why the defacto complainant was seeing their fight and on the same day, at about 09.45 p.m., when the defacto complainant was sleeping in a cot



infront of his house, Sathya, Robin, Thimothu and Thoppulan had come there with deadly weapons. Sathya attacked him with sickle. Thoppulan attacked his mother with his hands. Robin also attacked his mother. Thoppulan using his hands and legs was repeatedly attacking the defacto complainant. Then, the accused criminally intimidated the defacto complainant and left from the place of occurrence. Therefore, this case came to be registered on the complaint given by the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

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 injured had been discharged from the hospital.

5.Considering the facts and circumstances of the case, the fact that the injured had 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, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Trichy, 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.

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sd/-
01/07/2021

/ /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 ADDITIONAL MAHILA JUDGE, TRICHY.
2. THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8652 of 2021
Date :01/07/2021

SM
TE/MNR/SAR-III : 05/07/2021 : 3P/4C