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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8697 of 2021

I.Amstrong

... Petitioner/Accused No.8

Vs

The State Rep. by
The Inspector of Police,
Thazhamuthu Nagar Police Station,
Tuticorin.
Crime No. 200/2021.

... Respondent/Complainant

For Petitioner : Mr.Ramakrishnan.Ka.,
Advocate.

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

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

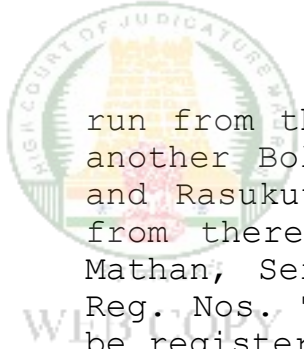
PRAYER :-

For Anticipatory Bail in Crime No.200 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 147, 148, 341, 294(b), 307, 120(b), 506(ii) of IPC in Crime No.200 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the defacto complainant and advocate S.Jothiraja. On 18.06.2021 at about 5.30 pm., the defacto complainant closed his tea shop and came towards his house. When he was about to enter his house four persons came in two, two wheelers waylaid him and one person with aruval tried to attack him. The defacto complainant evaded the attack. Then his brothers Karuppasamy and Ponselvan came there. At that time, one scorpio car came there. Sathish and Armstrong got down from the car and shouted to Ajith and Alex to



run from there if they are not able to kill Ravi. At the same time another Bolero car came there and in that car advocate Jothiraja and Rasukutty came there and cautioned Mathan and Serin to escape from there. Therefore all the four persons namely Ajith, Alex, Mathan, Serin escaped from there using two two wheelers bearing Reg. Nos. TN 69 AA2766 and TN92 A1449, therefore the 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 pending.

5.Taking into consideration the facts and circumstances of the case and the fact that no one sustained injuries in the said occurrence, 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.II, Tuticorin 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.

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sd/-
06/07/2021

/ /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 JUDICIAL MAGISTRATE No.II, TUTICORIN.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
THAZHAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8697 of 2021
Date :06/07/2021

AAV
TE/JC/SAR-II : 08/07/2021 : 3P/5C