



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.9516 of 2021

Sankar,

... Petitioner/Accused

Vs

The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District. ... Respondent/Complainant

For Petitioner : M/s. Senthil Murugan C,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.110 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
294(b), 323 and 506(ii) IPC in Crime No.110 of 2021 seeks
anticipatory bail.

2. This is the third bail petition filed by the petitioner. The
earlier petitions in Crl.O.P.(MD)Nos.7989 and 8705 of 2021 were
dismissed by this Court on the ground that the victim was taking
treatment in the Hospital.

3. Today, when the matter came up for consideration, the
learned Government Advocate (Crl. Side), on instructions, submitted
that the victim has been discharged from the hospital on 05.07.2021.

4. The learned counsel for the petitioner submitted that the
defacto complainant, who is running a Medical shop, is also
projecting the medical shop as if it is a clinic and since it has
been objected to by the petitioner, this case has been foisted
on the court. In view of the facts and circumstances, he seeks for grant of anticipatory bail.



5. Per contra, the learned Government Advocate (Crl. Side), submitted that the petitioner, who took the lease, has demanded money for offloading materials in the clinic, on account of which, there was a quarrel between the petitioner and the defacto complainant. He further submitted that the petitioner is having four previous cases, two of which ended in acquittal and other two cases are still pending.

6. Considering the nature of allegations levelled against the petitioner and considering the change of circumstances that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petition ordered. The petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi 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 to 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;

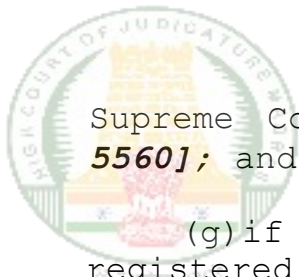
(b) the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172). The petitioner shall execute the sureties on showing the receipt of the said amount.

(c) the petitioner shall report respondent police daily twice, i.e. at 10.30 am. and 5.30 p.m., until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 learned Judicial Magistrate,
Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District. (Crime No.110
of 2021).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9516 of 2021

Date : 06/08/2021

CN(23.08.2021) 3P 5C