



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.07.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9693 of 2021

K.Sankar

... Petitioner/Accused

Vs

The State Represented by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
In Crime No.839 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime no.839 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 and 506(2) of IPC in Crime No.839 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant succeeded in an auction conducted for providing mike set and shed and on 15.07.2021, at about 09.50 am, when the defacto complainant and his son were involved in making arrangements for laying shed, the accused Sankar, who was not able to succeed in the auction, challenged the defacto complainant as to how, he can take auction for a lower price. The accused started attacking the defacto complainant with stick. As a result, the defacto complainant suffered injuries. Then the accused made criminal intimidation and fled from there. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He also stated that there is a counter case registered in Crime No.840 of 2021 against the defacto complainant. Therefore, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He further submitted that the injured has been discharged from the Hospital.

5. Considering the nature of the incident, the fact that there is a counter case pending against the defacto complainant and the fact that the injured has been discharged from the Hospital, this Court is of the view that custodial interrogation of the petitioner is not necessary and hence, 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 Judicial Magistrate No.I, Kovilpatti 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 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].

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

sd/-
26/07/2021

/ 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,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9693 of 2021
Date :26/07/2021

MBI
MK/VR/SAR.IV/02.08.2021/3P/5C