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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9785 of 2021

1. Alex @ Alexpandi
2. Siva

... Petitioners/Accused Nos.13&15

Vs

The State Rep. by,
Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.463/2020).

... Respondent/Complainant

For Petitioners : M/s.Balasubramanian P,
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.463/2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A13 & A15, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC and Section 3(i) of TNPPDL Act in Crime No.463 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are relatives. Due to previous enmity, on 07.05.2021, the petitioners said to have attacked the de-facto complainant and his family members and damaged the petty shop, worth about Rs.15,000/-. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) for the respondent submitted that A3, A4, A5 and A9 had already been arrested and released on bail and other accused are absconding. He further submitted that the investigation in this case is not completed and the injured was already discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) each to the credit of Crime No.463 of 2020 on the file of the learned Judicial Magistrate Court, Nilakkottai, Dindigul District and on such deposit, 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 Court, Nilakkottai, Dindigul 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.

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/ /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,
NILAKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9785 of 2021
Date :23/07/2021

sj i
USK/JC/SAR-I : 27/07/2021 : 3P/5C