



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.07.2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9879 of 2021

1.Sathishkumar Alias Sathish

2.Suresh Kumar

... Petitioners/Accused
Nos.1 & 2.

Vs

The State Represented by
The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.
Cr.No.1135 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
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.1135 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii), in Crime No.1135 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the friend of one Deva. The 1st petitioner mortgaged his two wheeler to Deva. When Deva asked the 1st petitioner to redeem his mortgaged properties, the scuffle arouse between the petitioners and



two others with Deva and the de-facto complainant. At that time, the petitioners said to have attacked the said Deva and the de-facto complainant with wooden sticks and hands, due to which, they sustained injuries in their shoulders. Therefore, this case came to be registered.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that a counter case has been registered against the de-facto complainant in Crime No.1134 of 2021. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been treated as out patient and that a case and counter case has been registered in Cr.No.1134 of 2021 against the de-facto complainant. He would further submit that the first petitioner is having five previous cases and the second petitioner is having six previous cases pending against them.

5.Considering the facts and circumstances of the case and also considering the fact that this is a case and case in counter and the injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukottai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

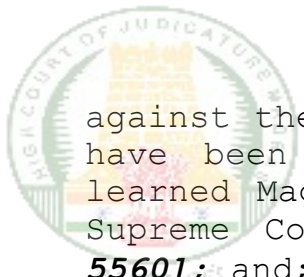
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall stay at Madurai and report before the Mattuthavani Police Station, Madurai, daily at 10.30 am., 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/Judicial 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]***; and;

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

sd/-

23/07/2021

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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.I,
PUDUKOTTAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PUDUKOTTAI TOWN POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9879 of 2021

Date :23/07/2021

SJI

SS/JM/SAR-III/27.07.2021 : 3P/6C