



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.9892 of 2021

Siva ... Petitioner/Accused No.1

Vs

The State Represented by
The Inspector of Police,
Karimedu Police Station,
Madurai City
Cr No. 768/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.768 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294 (b), 324 and 506 (2) of IPC in Crime No.768 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the petitioner and the defacto complainant, due to which, the petitioner and other accused said to have attacked the defacto complainant and scolded in filthy language. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the would submit that the petitioner and the de-facto complainant are neighbours. He would further submit that a counter case has also been registered against the de-facto complainant in Crime No.767 of 2021 by the respondent police.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that this is a case and case in counter. He would further submit that the injured person was also discharged from the hospital.

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 person was already discharged from the hospital, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, and on his executing 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 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 cards or Bank pass Books 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]**; and

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

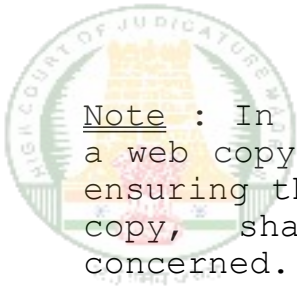
sd/-

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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.4823 dated 26/07/2021.

ORDER
IN
CRL OP(MD) No.9892 of 2021
Date :23/07/2021

SS/SRS/SAR-IV/27.07.2021 : 3P/6C