



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9893 of 2021

M.Kathik

... Petitioner/Accused No.3

Vs

The State rep.by
The Sub Inspector of Police,
M. Reddiapatti Police Station,
Virudhunagar District
Crime No.60 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.SELVAM, 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. 60 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, 324 and 506(2) IPC in Crime No.60 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there is previous enmity between the defacto complainant's family and A1 Murugan in connection with landed property. On 17.07.2021, at about 05.30 pm., the accused Murugan, Selvam, Karthik were standing near complex owned by one Pandi. The defacto complainant asked Murugan to solve dispute regarding land property. All the accused scolded him in filthy language. Murugan hit him with iron-rod on his hands. Karthik and Selvam had hit him with stick on his head. As a result, he suffered injuries. The accused persons made criminal intimidation and left the place. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he submitted that the injured person had been discharged from the hospital.

5.Taking note of the fact that the incident had happened due to previous enmity and the fact that the injured person had been discharged from the hospital, 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 learned Judicial Magistrate Court, Aruppukottai, 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.

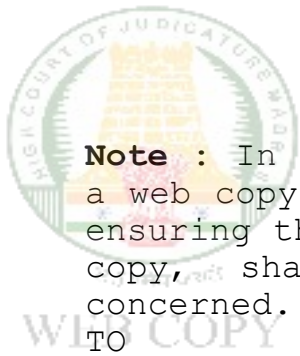
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
27/07/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
M. REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.K.Selvam, Advocate, SR.No.4867

ORDER
IN
CRL OP(MD) No.9893 of 2021
Date :27/07/2021

SA/JC/SAR.4/30.07.2021/3P/6C