



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.9959 of 2021

1. R.Jayaraman
2. D.Rajasekar

... Petitioners 1 & 2/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
(Crime No.303/2021).

... Respondent/Complainant

For Petitioners : M/s.Ramsundarvijayraj, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : M/s.Niranjan S.Kumar, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.303 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 324, 506(i) and 109 of IPC, in Crime No.303 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 13.07.2021 at about 03.00 PM, the petitioners along with other accused waylaid the defacto complainant's car and abused the defacto complainant in filthy language and also attacked him with the iron rod. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to file an undertaking affidavit before the respondent police as well as the trial Court that the petitioners will not indulge any offence in future.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital and also further submitted that two previous cases are pending against the petitioners.

5.Considering the facts and circumstances of the case, their readiness to file an undertaking affidavit and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

6.Accordingly, this criminal original petition is allowed and 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 VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments,

[b]the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] The petitioners shall not misuse the liberty granted to the petitioners by this Court and if the petitioners are involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[e] The petitioners shall file a undertaking affidavit before the respondent police as well as the trial Court that the petitioners will not indulge any offence in future.

[g] the petitioners shall not tamper with the evidence or witness during trial;

[h] 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]**.

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

Sd/-

21/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

+1. CC to M/S.RAMSUNDARVIJAYRAJ Advocate SR.No.7306

+ 1 C.C. To M/S.NIRANJAN S.KUMAR, Advocate SR 32120

ORDER

IN

CRL OP(MD) No.9959 of 2021

Date :21/10/2021