



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10326 of 2021

A.Arumugam

... Petitioner/Accused Rank Not Known

Vs

The State Rep. by,
The Sub-Inspector of Police,
Mathagupatti Police Station,
Sivagangai.
(Crime No.235 of 2021).

... Respondent/Complainant

For Petitioner : Mr.D.Anbarasu, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.235 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(a) and 324 I.P.C. in Crime No.235 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.07.2021 at about 3.30 p.m, the petitioner and two others have assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is a practicing Advocate before the Madurai Bench of Madras High Court as well as the District Court at Madurai and he issued a legal notice to the defacto complainant on behalf of his client one Nathiya for civil dispute. Aggrieved over the same, the defacto complainant foisted a false case against this petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the case was registered in Crime No.235 of 2021 for the offence under Sections 294(a) and 324 I.P.C against this petitioner and two others.

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5.Considering the facts and circumstances of the case and the present position of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his 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, Sivagangai, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

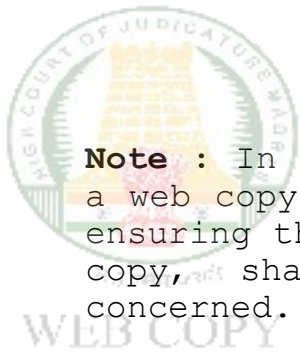
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/08/2021

/ 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. JUDICIAL MAGISTRATE NO.I
SIVAGANGAI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
MATHAGUPATTI POLICE STATION,
SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10326 of 2021
Date :04/08/2021

msa
USK/PN/SAR-III : 18/08/2021 : 3P/5C