



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.10832 of 2021

1. PRABHAKARAN,
2. RAMAR, ... PETITIONERS/ACCUSED RANKS NO.3 & 4

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT
(CR.NO.109 OF 2020). ... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.UDHAYAKUMAR J,
ADVOCATE.

FOR RESPONDENT : MR.ANTONY SAHAYA PRABAKAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

for Anticipatory Bail in Crime No. 109/2020 on the file of the
Respondent Police

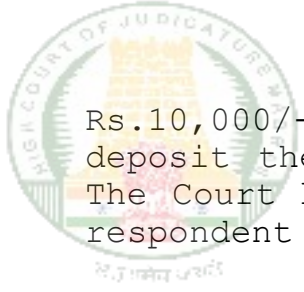
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate (Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences under sections 147, 148, 294(b),
323, 324, 326, 353 and 506(ii) of IPC, in Crime No.109 of 2020, seek
anticipatory bail.

3. The petitioners' earlier petition was dismissed on
12.06.2020, taking note of the overt act attributed to them. The
petitioners are said to have attacked forest officer with iron rod
causing injury on one of his teeth.

4. The learned counsel for the petitioners on instructions
states that the petitioners will take a demand draft for a sum of



Rs.10,000/- (Rupees Ten Thousand Only) in the name of the victim and deposit the same at the time of surrender before the Court below. The Court below shall hand over the same to the victim through the respondent police. This is without prejudice to their defence.

5. Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, 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, Kadaladi, Ramanathapuram District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[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/Trial Court is entitled to take appropriate action against the petitioners 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.

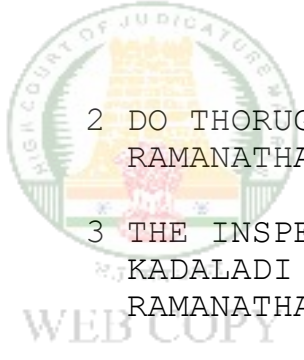
Sd/-

17/08/2021

/ TRUE COPY /

/ /2021

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



2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE, DISTRICT
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.10832 of 2021

Date :17/08/2021

GC/JM/SAR-III/23/08/2021/3P/5C