



WEB COPY

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

Date : 22/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.11142 and 11566 of 2021

S.Senthil Kumar, ...Petitioner/Accused No.10
in Crl.O.P(MD).No.11142 of 2021

Mahuthoom @ Mahadun ... Petitioner/Accused No.9
in Crl.O.P(MD).No.11566 of 2021

Vs

State Rep by
The Inspector of Police,
Sattankulam Police Station,
Sattankulam,
Thoothukudi District.
Crime No. 126/2021). ... Respondent/Complainant in Both Petitions

For Petitioner : Mr.K.P.Narayanakumar
(In Crl.O.P(MD).No.11142 of 2021)

For Petitioner : M/s.N.Priyadharshini
(In Crl.O.P(MD).No.11566 of 2021)

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)
(In Both the Petitions)

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

PRAYER :-

For Anticipatory Bail in Crime No. 126/2021 on the file of
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
147, 148, 294(b), 341, 302, 506(ii) and 120(B) of IPC, in Crime
No. 126/2021, seek anticipatory bail.



2.The case of the prosecution is that due to business motive, the petitioners along with other accused abused the defacto complainant's brother in filthy language and also attacked him with deadly weapon. Due to which, the defacto complainant's brother has suffered grievous injuries all over the body and died. 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 would further submit that except the confession statement given by the co-accused, there is no material against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that based on the confession statement alone the petitioners' names are involved in this case and apart from the confession statement of co-accused, no other material is available against the petitioners as on date.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

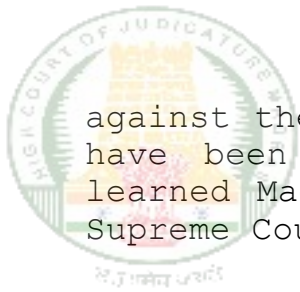
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioners shall not tamper with the 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 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]**.

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

sd/-
22/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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, Sathankulam.
2. Do Through The Chief Judicial Magistrate, Thoothukudi.
3. The Inspector of Police, Sattankulam Police Station, Sattankulam, Thoothukudi District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-6504[I] dated 23/09/2021)

CRL OP(MD) Nos.11142 and 11566 of 2021
Date : 22/09/2021

TR/PN/SAR-II(26.10.2021) 3P 6C