



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). No.13844 of 2021

Karthick @ Karthick Kannan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Salaikiramam Police Station,
Sivagangai District.
In Crime No.135 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.135 of 2021 on the file of the Respondent Police.

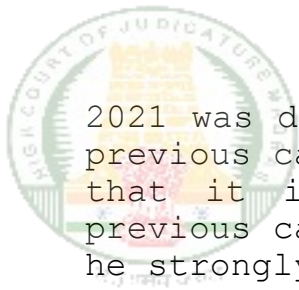
ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 341 and 506(ii) IPC, in Crime No.135 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is previous enmity between the de-facto complainant and A1. On 17.07.2021, at about 06.30 p.m the de-facto complainant was in his house. A1 and A4 came to his house and scolded him in filthy language and tried to attack him. The de-facto complainant escaped to his uncle's house. Then, at about 09.00 p.m on the same day he was buying dinner from Ganesan Hotel. Again, A1 and A4 tried to attack him. Then, A1, A3 and A4 attacked him with wooden-log and hands. As a result, he suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent submits that this is the petitioner's second anticipatory bail application. The earlier application in Crl.O.P.(MD)No.9841 of



2021 was dismissed by order dated 27.07.2021 on the ground that one previous case is pending against the petitioner. He further submits that it is a counter case, now the petitioner is having four previous cases and the investigation is yet to be completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

WEB COPY

5.The learned counsel for the petitioner disputed the same that the petitioner is having four previous cases and he is ready to deposit a sum of Rs.10,000/- to the credit of Crime No.135 of 2021 to show his bonafide.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the petitioner offered to deposit a sum of Rs.10,000/- to the credit of Crime No.135 of 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Ilayangudi, Sivagangai District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.135 of 2021 before the learned Judicial Magistrate, Ilayangudi, Sivagangai District, within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;

[f] 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 were breached 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]**;

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-

22/09/2021

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

ORDER

IN

CRL OP(MD) No.13844 of 2021

Date :22/09/2021

KMM

MK/SKN/SAR.II/04.10.2021/3P/5C