



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11733 of 2021

Arikrishnan Muthu @ Hari ... Petitioner/Accused Rank No.3

Vs

State Rep.by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.126 of 2021) ... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
Advocate.

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

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

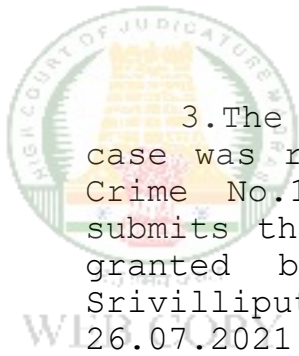
PRAYER :-

For Anticipatory Bail in Crime No.126 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) IPC in crime No.126 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons assaulted the de-facto complainant's sister with bottle on her right hand, when the same was questioned by the de-facto complainant, all the accused have threatened the de-facto complainant with dire consequences. Again, on 07.07.2021, at about 11.20 p.m., when the de-facto complainant was standing in front of his house, all the accused attempted to kill the de-facto complainant by using sword. Hence, the complaint.



3.The learned counsel for the petitioner submits that a counter case was registered against the de-facto complainant and others in Crime No.125 of 2021 before the respondent police. He further submits that in the present case, the co-accused have already been granted bail by the Principal District and Sessions Judge, Srivilliputhur, Virudhunagar District in Cr.M.P.No.1464 of 2021 on 26.07.2021. He also submits that the petitioner would not indulge in any such offence in future and he has also filed an undertaking affidavit to that effect.

4.The learned Government Advocate (Crl. Side) for the respondent submits that apart from this case, the petitioner has involved in two previous cases. He further submits that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that the injured has been discharged from the hospital and it is case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 cum District Munsif Court, Thiruchuli, Virudhunagar**, 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 Judge 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 Judge 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 daily at 10.30 a.m., until further orders.

(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 Judge/ 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 Judge/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/-
06/09/2021

(*) Corrected as per order of this Court dated 29/09/2021 in CRL MP(MD) No.7731/2021 in CRL OP(MD)No.11733/2021.

Further two weeks time is granted to the petitioners to comply with the conditions imposed by this Court, from the date of receipt of a copy of this order as last chance.

/ 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 BE SUBSTITUTED WITH THE ORDER DATED 06/09/2021 ALREADY DESPATCHED.

TO :

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTTUR, VIRUDHUNAGAR.
2. THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF, THIRUCHULI, VIRUDHUNAGAR.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE, THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 C.C. MR.K.DINESH, Advocate S.R.No.6742.

ORDER IN
CRL OP(MD) No.11733 of 2021
Date :06/09/2021

SJI

MS/JM/SAR-4/17.09.2021/3P.4C

<https://hccs.csbj.gov.in/Services/ISK/EN/SAR/12.10.2021/4P/7C>