



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

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12088 of 2021

1. J.Maruthu Rajan,

2. J. Natchimuthu, ... Petitioners / Accused No. 5 and 8

Vs

State Rep. through
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No. 51 of 2021). ... Respondent / Complainant

For Petitioners : M/s.Musthafakhan M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

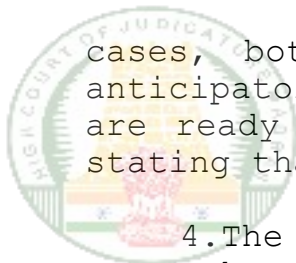
For Anticipatory Bail in Crime No. 51 of 2021 on the file
of the respondent Police.

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), 307, 324, 506(2) of IPC, in Crime No.51 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that on 03.04.2021, at about
05.45 a.m., the petitioners along with other accused have attacked
the defacto complainant with deadly weapons, like sword, knife, iron
rod and wooden log. The specific allegation against the first
petitioner is that he used iron rod to hit the defacto complainant.
The second petitioner used wooden log to hit the defacto
complainant. Therefore, the case came to be registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they been falsely implicated in
this case. He further submitted that this is the third anticipatory
bail petition. The earlier petitions in Crl.O.P(MD).Nos.5550 and
8458 of 2021 were dismissed on 19.04.2021 and 29.06.2021 on the
ground that the petitioners are having previous cases pending
against them. He further submitted that now, in one of the previous



cases, both the petitioners were acquitted. Therefore, he seeks anticipatory bail to the petitioners and also submitted that they are ready to file an undertaking affidavit before the trial Court stating that they will not indulge in any offence in future.

4.The learned Government Advocate(Crl.side) appearing for the respondent strongly opposed to grant anticipatory bail to the petitioners on the ground that the petitioners are involved in previous cases. However, he fairly submitted that the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the fact that the injured person has been discharged from the hospital and out of the two previous case one case in Crime No.19 of 2013 was ended in acquittal, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.II, Viruthunagar, Virudhunagar District, on condition that the petitioners shall execute a separate 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 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 as and when required.

[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]**.

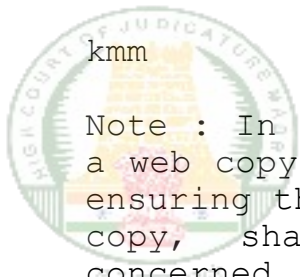
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

/ TRUE COPY /

/ /2021

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



kmm

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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO-II,
VIRUDHUNAGAR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.MUSTHAFAKHAN, Advocate (SR-5872[I] dated 01/09/2021)

ORDER IN
CRL OP(MD) No.12088 of 2021
Date :31/08/2021

SB/SKN/SAR-I/24.09.2021/3P/6C