



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11971 of 2021

WEB COPY

1. Vijay Jacob Rojar
 2. Fleming @ Fleming Dain
 3. Sakthi @ Sakthikumar
 4. Rishaf @ Kershin Rishaf
- ...Petitioners/Accused Nos. 1 to 4

Vs

State Represented by
The Inspector of Police,
Pamban Police Station, Pamban,
Ramanathapuram District.
(Crime No.201/2021)

... Respondent/Complainant

For Petitioners : Mr.Gokul.K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 201 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC, in Crime No.201 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to previous dispute, the petitioners attacked the defacto complainant with knife and caused injury.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that previously, the defacto complainant assaulted the first accused, for which, a complaint has been lodged against him, which was registered in Cr.No.190 of 2021 under Sections 294(b), 323, 324 and 506(ii) IPC. In retaliation, the petitioners are said to have assaulted the defacto complainant



with knife and caused injury. Hence, the present case. He further submitted that the injured has been discharged from the hospital. A1 and A2 are not having any previous case. A3 and A4 are having one previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed 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, Rameswaram, on condition that he 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 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. until further orders;

[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 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]**;

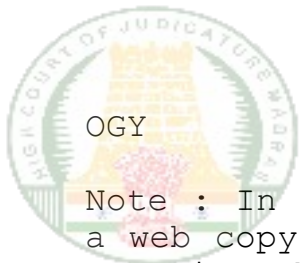
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
07/09/2021

/ TRUE COPY /

/ /2021

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



OGY

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,
RAMESWARAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION, PAMBAN,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11971 of 2021

Date : 07/09/2021

VB/JC/SAR.IV/14.09.2021/3P/5C