



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.12081 of 2021

R.Gurusamy

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.333 of 2021)

... Respondent/Complainant

For Petitioner : MR.V.B.Sundareshwar,
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. 333 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 109, 294(b), 323, 324, 341 and 506(ii) IPC in Crime No.333 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused attacked the defacto complainant with wooden logs and caused injuries.

3. The learned counsel for the petitioner submits that the petitioner is running a restaurant. The defacto complainant demanded money from the petitioner. Since the petitioner refused to give money, the defacto complainant has lodged this false complaint. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the petitioner is having 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
<https://hccservicescourts.gov.in/hccservices> allegations levelled against the petitioner and the fact



that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Muthukulathur, on condition that he 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 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m. until further orders;

[c] The petitioner shall file an undertaking affidavit in Tamil that he will not indulge in any such offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[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 have been imposed 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 thereafter absconds, 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.



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,
MUTHUKULATHUR.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.V.B.SUDARESHWAR, Advocate (SR-6071[I] dated 08/09/2021)

ORDER
IN
CRL OP(MD) No.12081 of 2021
Date :07/09/2021

OGY
MK/VR/SAR.III/14.09.2021/3P/6C