



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12182 of 2021

Lakshmanan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.
(Crime No.25 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.THIRUVADI KUMAR, 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.25 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 307, 363, 427, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.25 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 30.01.2021, the petitioner along with other accused unlawfully assembled together with deadly weapons, went to the house of the defacto complainant's sister and abused the defacto complainant and attempted to murder her. They also kidnapped the defacto complainant's sister, criminally intimidated her and damaged the household articles.

3.Learned Counsel for the petitioner submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 23.03.2021, made in Crl.OP(MD)No.4446 of 2021, with certain conditions. But, the petitioner could not arrange sureties due to the Covid-19 pandemic and therefore, he has moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioner has already been



granted anticipatory bail by this Court, in Crl.OP(MD)No.4446 of 2021, dated 23.03.2021 and further submitted that he has not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioner, the fact that he has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered 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 No.I, Thoothukudi, 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 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 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. for a period of two weeks and thereafter as and when required for interrogation.

[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 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 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]**.

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

sd/-
03/09/2021

/ 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 NO.I
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. THIRUVADI KUMAR.A Advocate SR.No.5985

ORDER

IN

CRL OP(MD) No.12182 of 2021

Date : 03/09/2021

SA/PN/SAR.1/14.09.2021/3P/6C