



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.12307 of 2021

THIRUMURUGAN @ ATHA THIRUMURUGAN ... PETITIONER/ACCUSED NO.7

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
AVANIYAPURAM,
MADURAI.
(CRIME NO.988 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.ARUNRAJ 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. 988 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 offences punishable under Sections 399 and 506(2) of IPC read with Section 25(1A) of Arms Act in Crime No.988 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the police party were on patrolling, they found that the accused were in possession of six patta knives. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner was not apprehended by the Police at the place of occurrence and he was implicated as an accused based on the confession of other accused.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, opposed this petition on the ground that apart from this case, the petitioner is having two other cases in Crime No.43 of 2015 for the offence under Section 160 of IPC and Crime No.640 of



2018 for the offence under Section 75 of TNMCP Act on the file of the respondent Police.

5. Considering the nature of offence, the fact that the petitioner was not apprehended by the Police at the place of occurrence and that the other two previous cases pending against the petitioner are under Sections 160 of IPC and 75 of TNMCP Act, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. 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 Judicial Magistrate VI, Madurai 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 learned 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 am and 05.00 pm, 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 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]***; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/08/2021

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

mbi

<https://hcservices.ecourts.gov.in/hcservices/>



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

ORDER
IN
CRL OP(MD) No.12307 of 2021
Date :31/08/2021

GC/SKN/SAR-III(08.09.2021) 3P 5C