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

Date : 09/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12359 of 2021

SHANMUGAM

... PETITIONER/ACCUSED NO.4

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.129 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Sathya Chidambaram,
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. 129 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 323, 307 and 506(ii) IPC, in Cr.No.129 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the petitioner along with other accused was taking liquor in front of one Gajendran's house, who settled at Mumbai, the defacto complainant, who resides nearby that house, questioned the same, at that time, there was a quarrel between the parties. Again, on 27.04.2021, when the defacto complainant was celebrating his daughter's birthday, the



petitioner along with other accused was taking liquor in front of the said Gajendran's house and thereby, there was a quarrel between the defacto complainant and accused persons, due to which, the accused persons attacked him with bottle and wooden log and caused injuries. Hence, the complaint.

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3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the petitioner is having one previous case. He further submits that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of 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, the 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, Alangulam, Tenkasi District, 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 twice, i.e. morning at 10.30 a.m. and evening at 5.30 p.m.;

[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 is 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/-

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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,
ALANGULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12359 of 2021

Date : 09/09/2021

USK/JM/SAR-I/ (20.09.2021) 3P-5C