



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12522 of 2021

Satheesh @ Sathishkumar,

... Petitioner/Accused No.2

Vs

The State Rep.by,
The Inspector of Police,
Kadalkudi Police Station,
Thoothukudi District.
(In Crime No. 44/2021).

... Respondent/Complainant

For Petitioner : M/s. Balamurugapandi.D.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.44 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 294(b), 323, 324, 427 and 506(ii) IPC in Crime No.44 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is running a poultry Shop. On 16.08.2021 at about 11.00 p.m., A1 in this case, namely, Balamurugan called the de-facto complainant over phone for purchasing meat, but the phone was answered by his wife, since the complainant was asleep, he would come next day morning and



supply. Thereafter, on 19.08.2021, there was a quarrel between the petitioner and the de-facto complainant, due to which, the petitioner along with A1 attacked the de-facto complainant and also caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submits that investigation, in this case, is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly this 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, Vilathikulam, Thoothukudi 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 learned Judicial Magistrate, Vilathikulam, Thoothukudi District, daily at 10.30 a.m, 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]**.



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

sd/-
02/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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, VILATHIKULAM,
THOOTHUKUDI DISTRICT.
 2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE
KADALKUDI POLICE STATION, THOOTHUKUDI
DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. BALAMURUGAPANDI.D. Advocate SR.No.5921

ORDER
IN
CRL OP(MD) No.12522 of 2021
Date : 02/09/2021

RK/SKN/SAR-III (15.09.2021) 3P 6C