



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12735 of 2021

Ramesh

... Petitioner/Unnamed Accused

Vs

The State rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.581 of 2021

... Respondent/Complainant

For Petitioner : M/S.D.SARANYA,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

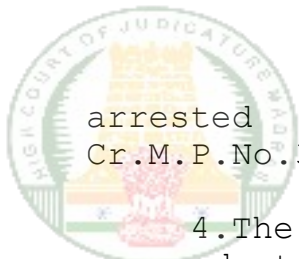
For Anticipatory Bail in Crime No.581 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 452, 294(b), 186, 224, 225, 285, 353, 506(ii), 149 and 109 IPC in crime No.581 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.07.2021, the de-facto complainant arrested A1 in Crime No.1485 of 2021 and put him into station jail. At that time, all the accused persons have trespassed into the police station, prevented the respondent police from discharging their duties, helped A1 to escape from the police station, assaulted the police officials, set fire on the vehicles and also damaged the station windows worth about Rs.5,000/-. Hence, the complaint.

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. He further submits that based on the confession statement given by the co-accused, the petitioner was arrayed as an accused in this case and the co-accused was already



arrested and released on bail by the Sessions Court in Cr.M.P.No.3636 of 2021 on 07.08.2021.

4.The learned Government Advocate (Crl. Side) for the respondent submits that the petitioner has been impleaded only from the confession statement of the co-accused and he was not present at the place of occurrence. He further submits the co-accused was released on bail by the Sessions Court.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that the co-accused was released on bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate, Pattukottai, Thanjavur 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall stay at Trichy and report before the Trichy Court Police Station 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]***; and;

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

sd/-

06/09/2021

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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
PATTUKOTTAI, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12735 of 2021

Date : 06/09/2021

SA/VR/SAR.3/23.09.2021/3P/5C