



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18745 of 2021

Sakthi Kumar

... Petitioner/6th Accused

Vs

The state represented by
The Inspector of Police,
Emaneswaran Police Station,
Ramanathapuram District..
Crime No.42 of 2021

... Respondent/Complainant

For Petitioner : M/s.JEYAKARTHIK.M.S,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :-

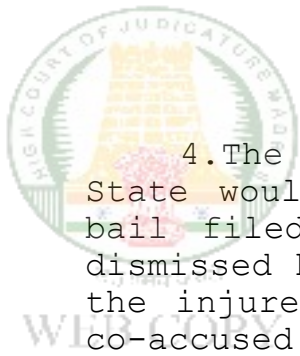
For Anticipatory Bail in Crime No. 42 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 379(NH) I.P.C., and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Cr.No.42 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to the previous motive, the accused persons abused the defacto complainant and his family members with filthy language and attacked them and also caused life threat with dire consequences. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State would submit that the earlier petition seeking anticipatory bail filed by the petitioner in Crl.O.P.(MD)No.5258 of 2021 was dismissed by this Court on 15.04.2021. He would further submit that the injured has already been discharged from the hospital and the co-accused has already been arrested and released on bail.

5. The learned Counsel for the petitioners would submit that the earlier petition filed by the petitioner was dismissed on the ground that the petitioner is having previous case in Cr.No.298 of 2020 for the offences under Sections 147, 148, 341, 294(b) and 506 (ii) I.P.C. He would further submit that the petitioner had already filed Crl.O.P.(MD)No.6045 of 2021 to quash the F.I.R., in Cr.No.298 of 2020 and the same has been allowed by this Court, vide order dated 03.08.2021.

6. Considering the facts and circumstances and also the facts that the injured was discharged from the hospital, that the co-accused has already been arrested and released on bail and also considering the fact that the petitioner is not having any previous cases for similar offences or for any other serious offences, as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his 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, Paramakudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with 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 petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/11/2021

/ 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,
PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESWARAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. JEYAKARTHIK.M.S Advocate SR.No.8697

ORDER

IN

CRL OP(MD) No.18745 of 2021

Date : 29/11/2021

SSL

SS/JM/SAR-III/03.12.2021 : 3P/6C