



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13906 of 2021

J.Selvakumar

... Petitioner/Accused No.III

Vs

State Rep by
The Inspector of Police,
Thiruppalai Police Station,
Madurai District.
(Crime No.292/2021)

... Respondent/Complainant

For Petitioner : Mr.R.Venkateshwaran
Advocate.

For Respondent : Mr.Kottai Chamy
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.292 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioner's second anticipatory bail application. The petitioner/A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.292 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.03.2021, a wordy quarrel took place in the petrol bunk and consequent to it, the petitioner and other accused attacked the staff of the petrol bunk with hands and knife. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this



case. He further submitted that the petrol bunk staff attacked the petitioner with cylinder. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, 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 Court No.II, Madurai, 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 learned Judge 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 Judge 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 as and when required for interrogation.

(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 Judge/ 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 Judge/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/-
22/09/2021

/ 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 Court No.II, Madurai.
- 2.Do Through The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Thiruppalai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13906 of 2021
Date : 22.09.2021

TR/PN/SAR-I (12.10.2021) 3P 5C