



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.12795 of 2021

WEB COPY

Radha @ Radhakrishnan

... Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No. 579 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Karunakaran K.M.,
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.579 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Sections 147,
148 IPC and 25(1A) of Arms Act r/w. 4(b) of Explosive Substances
Act, in Crime No.579 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that two groups had
unlawfully assembled with deadly weapons to commit an offence and on
getting information, the respondent Police went to the spot and
prevented the occurrence.

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 he also advised
his client to file an undertaking affidavit that he will not indulge
in any offence in future and will not join with any group. The
petitioner is also ready to file the same.

4. The learned Government Advocate (Crl. Side) submits that
the investigation is yet to be completed.



5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, 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, Pattukottai, 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 at 10.30 a.m. until further orders;

[c] The petitioner shall file an undertaking affidavit in Tamil that he will not indulge in any offence in future and will not join with any group, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

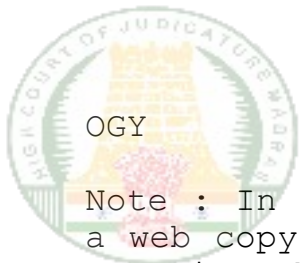
[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

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

Sd/-
09/09/2021

/ TRUE COPY /



OGY

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.
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.12795 of 2021

Date : 09/09/2021

VB/VR/SAR.IV/17.09.2021/3P/5C