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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12856 of 2021

1. Bala Vinayagam
2. R.Sathish Kumar

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Meinanapuram Police Station,
Thoothukudi District.
(Crime No.111 of 2021)

... Respondent/Complainant

For Petitioners : M/s. Ramesh Raja.P.T, Advocate.

For Respondent : M/s.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. 111 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 324, 323, 506(ii) and 109 IPC, in Crime No.111 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners along with other accused attacked the defacto complainant with a key chain and caused simple injury.



3. The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that it is a case and counter case.

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4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. Apart from this case, the first petitioner is also involved in two previous cases. The second petitioner is not having any previous case. He further submits that the injury has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that it is a case and counter case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners 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] Since the first petitioner is having two previous cases, the first petitioner shall report before the respondent police daily twice, i.e., morning at 10.30 a.m. and evening at 5.30 p.m. until further orders. The second petitioner shall report before the respondent Police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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]**;



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

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Sd/-
07/09/2021

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

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,
Sathankulam.
2. The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Meinanapuram Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. RAMESH RAJA.P.T Advocate SR.No.6035

ORDER
IN
CRL OP(MD) No.12856 of 2021
Date :07/09/2021