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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2021

PRESENT

The Hon`ble **Mr.Justice B.PUGALENDHI**

CRL OP(MD).No.15245 of 2021

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... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
B1 Ramanathapuram Town Police Station,
Ramanathapuram District.
(Crime No.56 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Shankar Ganesh,
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.56 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 323, 324 and 506 (ii) of IPC in Crime No.56 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.This is the second anticipatory bail petition. The petitioner earlier filed a Crl.O.P(MD).No.6258 of 2021 before this Court and the same was allowed on 30.04.2021 with certain conditions. Due to Covid-19 pandemic crisis, the petitioner was unable to arrange the sureties within time. Hence, the present petition is filed.

3.The case of the prosecution is that on 10.03.2021, at about 05.00 p.m., when the defacto complainant and others were talking near one Muthulakshmi's house, there was a wordy quarrel and the



accused scolded and attacked the defacto complainant and others, with Aruval and wooden log. Due to which, the defacto complainant and others suffered injury. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail. He would further submit that co-accused have been granted anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, concedes that co-accused have been granted anticipatory bail and submits that the injured has been discharged from the hospital and that no previous case is pending against the petitioner.

6. Considering the facts and circumstances of the case, the fact that the co-accused have been granted anticipatory bail, the injured has been discharged from the hospital and that no previous case is pending against the petitioner, 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 arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, and on his executing 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 Aadhar cards or Bank pass Books 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 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 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.

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Sd/-
06/10/2021

/ TRUE COPY /

/ /2021

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

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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 NO.I,
RAMANATHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
B1 RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.DICTUM LAW FIRM, Advocate (SR-7139[I] dated 08/10/2021)

ORDER
IN
CRL OP(MD) No.15245 of 2021
Date : 06/10/2021

VB/SKN/SAR-I/18.10.2021/3P/6C