



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15106 of 2021

J.Veeramallan

... Petitioner/Accused No.6

Vs

The State rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Crime No.51 of 2021)

... Respondent/Complainant

For Petitioner : M/S.M.MUSTHAFAKHAN,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.51 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 alleged offences punishable under Sections 147, 148, 294(b), 307, 324 and 506(2) of IPC in Crime No.51 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 03.04.2021, at about 05.45 a.m., the petitioner along with other accused have attacked the defacto complainant with deadly weapons and also threatened him. 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 this is the third anticipatory bail application. The earlier petitions filed in CrI.O.P(MD) Nos.5556 and 7168 of 2021 were dismissed on 19.04.2021 and 10.06.2021 on the ground that the petitioner is having two previous cases. Now, the petitioner has filed an affidavit that as on date, apart from this case, only one case is pending against him. He further submitted that the co-accused have already been granted anticipatory bail by



this Court in Crl.O.P(MD) No.12088 of 2021 dated 31.08.2021 and the petitioner is ready to file an undertaking affidavit before the trial Court that they will not indulge in any offence in future.

4.The learned Government Advocate (Crl. Side) for the respondent strongly opposed to grant anticipatory bail to the petitioner on the ground that the petitioner has involved in previous cases. He fairly conceded that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered 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 Court No.II, Virudhunagar, Virudhunagar District, 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 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 appear before the respondent police daily at 10.30 until further orders.

[c] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[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 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/-

20/10/2021

/ 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 NO.II
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUSTHAFAKHAN M Advocate SR.No.7317

ORDER

IN

CRL OP(MD) No.15106 of 2021

Date :20/10/2021

SA/JM/SAR.2/29.10.2021/3P/6C