



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14478 of 2021

Karan, ... Petitioner/Accused No.4

Vs

State Rep by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
Cr.No.199 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Amalan.S.Mp.,
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.199 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Sections 341,
294(b), 307 & 506(ii) IPC, in Crime No.199 of 2021, on the file of
the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
is the co-racer with one Ganapathi, who is a leading racer in Rekala
Race. Due to previous enmity between the first accused and the said
Ganapathi, the first accused threatened the defacto complainant that
he should not accompany with the said Ganapathi in Rakala Race.
While so, on 29.08.2021, when the defacto complainant was proceeding
to Pudupatti, the petitioner along with other accused waylaid the
defacto complainant, abused him in filthy language and attacked him
with stones and also caused injuries.

<https://www.e-laws.gov.in/hsc/judges/>



3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that it is a case and counter case. A case in Crime No.200 of 2021 has been registered as against the defacto complainant. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police, on instructions, submits that the injured has been discharged from the hospital. He further submits that the petitioner is not having any bad antecedent.

5. Considering the facts and circumstances of the case, the antecedent of the petitioner and also the fact that the injured 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. 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, Thirumayam, Pudukottai 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 report before respondent police daily at 10.30 a.m. until further orders;

[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 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]**; and



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

sd/-
30/09/2021

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Sub-Assistant Registrar (C.S.)
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,
Thirumayam, Pudukottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14478 of 2021
Date : 30/09/2021

TR/JC/SAR-IV(06.10.2021) 3P 5C