



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14735 of 2021

Jeyakumar @ Joseph Jeyakumar

... Petitioner/Accused No.5

Vs

The State Rep.by,
The Inspector of Police,
Pamban Police Station,
Pamban,
Ramanathapuram District.
(Crime No. 245 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Arunraj.K.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

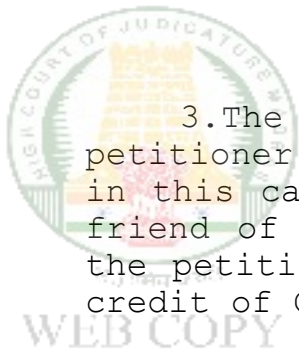
PRAYER :-

For Anticipatory Bail in Crime No. 245 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 427, 506(ii) of IPC r/w. Section 4 of TNPHW Act and 25(1)(A) of Arms Act, in Crime No.245 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and the other accused assaulted the defacto complainant's son and also damaged his vehicles. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is only the friend of the accused Nos.3 and 4. However, to show his bonafide, the petitioner has come forward to pay a sum of Rs.15,000/- to the credit of Crime No.245 of 2021.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner is the accused No.5 and he along with the other accused damaged the vehicles of the defacto complainant. To prove the same, the learned Government Advocate has also produced the photographs of the damaged vehicles.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and his willingness to pay a sum of Rs.15,000/- to the credit of Crime No.245 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.245 of 2021 before the learned Judicial Magistrate, Rameswaram. On such deposit, 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, Rameswaram, 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 the respondent police daily at 10.30 am., and 05.30 p.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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2021

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/ /2021

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

ssb

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,
RAMESWARAM.
- 2.DO THROUGH - THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE INSPECTOR OF POLICE
PAMBAN POLICE STATION, PAMBAN,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14735 of 2021

Date :05/10/2021

RS/PN/SAR-IV(13.10.2021) 3P 5C