



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15146 of 2021

1. Rajankam
2. Sivamurugan
3. Selvam @ Karuppasamy
4. Ramakrishnan
5. R.Thiyagarajan ... Petitioners/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
Crime No.97 of 2019. ... Respondent/Complainant

For Petitioners : Mr.M.CHANDRABOSE,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

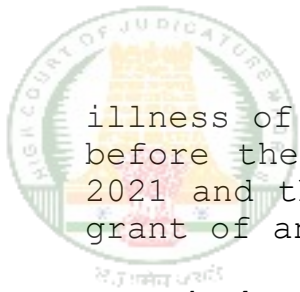
For Anticipatory Bail in Crime No.97 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323 and 506(ii) IPC, in Crime No.97 of 2019, seek anticipatory bail.

2. The case of the prosecution is that on 17.07.2019, while the defacto complainant and his friends were taking food in a Hotel, the accused persons entered into the hotel and unnecessarily quarreled with the defacto complainant and attacked him with deadly weapons. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the petitioners have filed an application for anticipatory bail before the Principal Sessions Court, Madurai in Crl.M.P.No.3979 of 2019 and the same was granted on 29.08.2019. But, they have not executed the sureties, due to



illness of the petitioners and they moved extension of time petition before the Principal Sessions Court, Madurai in CrI.M.P.No.4644 of 2021 and the same was dismissed on 23.09.2021. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(CrI.side) appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail in CrI.M.P.No.3979 of 2019, but they have not executed the sureties. He further submitted that no one has been injured in this case.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that no one has been injured in this case and that the petitioners have already been granted anticipatory bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with the 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]***; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

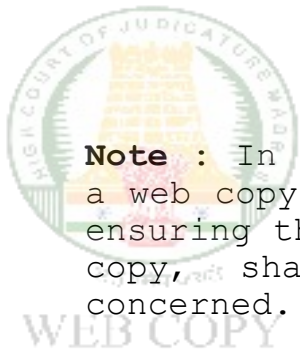
sd/-

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

ORDER

IN

CRL OP(MD) No.15146 of 2021
Date :08/10/2021

SA/SKN/SAR.1/21.10.2021/3P/5C