



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.14976 of 2021

1.Ashok
2.Sathish @ Sathish Kumar
3.Akash
4.Subburam

... Petitioners/Accused 1 to 4

Vs

State rep.by
The Sub-Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No.109/2021)

... Respondent/Complainant

For Petitioners : M/s.K.P.Narayanakumar, Advocate

For Respondent : M/s.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.109 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 147, 148, 341, 324, 506(ii) IPC, in Crime No.109 of 2021, seek anticipatory bail.

2. The prosecution case is that the accused persons have waylaid the defacto complainant, assaulted him with iron rod and also threatened him with dire consequences. Hence, the complaint.

3. Learned Counsel for the petitioners submitted that this is a case in counter and that the petitioners are innocents and have not committed any offence as alleged by the prosecution. Therefore, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side), on instructions, submitted that the injured has been discharged from the hospital. He further submitted that the accused nos.1 & 3 are having one previous case to their credit.

5. Considering the facts and circumstances of the case, nature of allegation, the fact that it is a case in counter and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this 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, Devakottai, 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 daily at 10.30 am;

[c] the petitioners shall not tamper with the evidence or witness either during the investigation or trial;

[d] the petitioners shall not abscond either during the 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 have been 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/-
04/10/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.I)
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,
DEVAKOTTAI.
 2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
 3. THE SUB INSPECTOR OF POLICE,
ARAVAYAL POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.NARAYANAKUMAR K.P. Advocate SR.No.6972

ORDER
IN
CRL OP(MD) No.14976 of 2021
Date :04/10/2021

SP/PN/SAR I/07/10/2021/3P/6C