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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.15552 of 2021

P.Muthuvel @ Rocketmuthu

... Petitioner/Accused No.3

Vs

State rep.by

The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.260 Of2020).

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

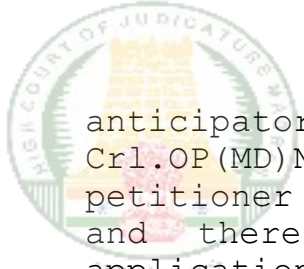
For Anticipatory Bail in Crime No.260 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.260 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner attacked the defacto complainant with wooden stick. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that this Court has already considered the case of the petitioner and granted



anticipatory bail to him, vide order dated 23.12.2020, made in CrI.OP(MD)No.15795 of 2020, with certain conditions. But, the petitioner could not arrange sureties due to the Covid-19 pandemic and therefore, he has moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Government Advocate (CrI.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in CrI.OP(MD)No.15795 of 2020, dated 23.12.2020 and that he has not complied with the conditions stipulated therein. He further submitted that the injured person has already been discharged from the hospital.

5. Considering the facts and circumstances of the case, the fact that the petitioner has already been granted anticipatory bail by this Court, that their failure to comply with the conditions stipulated therein and 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, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation.

[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.

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Sd/-
08/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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,
SATHANKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15552 of 2021
Date :08/10/2021