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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15570 of 2021

1. Krishnamoorthy
2. Muthupandi

... Petitioners/Accused 1 & 3

Vs

State through
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District
(Crime No.307/2021).

... Respondent/Complainant

For Petitioners : M/s.Prabu.M, Advocate.

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

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

PRAYER :-

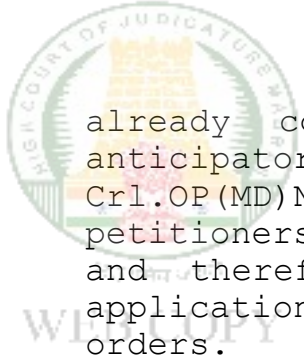
For Anticipatory Bail in Crime no.307 of 2021 on the file of the Respondent Polcie.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPWH Act in Crime No.307 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners have attacked the de-facto complainant with wooden stick and caused injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. He further submitted that this Court has



already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 23.04.2021, made in CrI.OP(MD)No.5802 of 2021, with certain conditions. But, the petitioners could not arrange sureties due to the Covid-19 pandemic and therefore, they have 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 petitioners have already been granted anticipatory bail by this Court, in CrI.OP(MD)No.5802 of 2021, dated 23.04.2021 and that they have not complied with the conditions stipulated therein. He further submitted that the injured has been discharged from the hospital and that there is no previous case is pending against the petitioners.

5 Considering the facts and circumstances of the case, the nature of allegations against the petitioners and the fact that they have already been granted anticipatory bail by this Court and their failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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.II, Kovilpatti, Thoothukudi District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am., until further orders;

(c)the petitioners shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
20/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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 NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15570 of 2021
Date :20/10/2021