



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15464 of 2021

Gopinath

... Petitioner/Accused No.3

Vs

State Rep by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.892 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

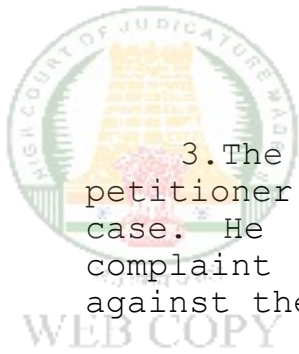
PRAYER :-

For Anticipatory Bail in Crime No.892 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 352 and 307 IPC, in Crime No.892 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to election dispute between the de-facto complainant's father and the petitioner and others, on 23.09.2021, the petitioner and others abused the de-facto complainant and his father in filthy language and A1 attempted to attack the de-facto complainant and his father with deadly weapons. Hence, the complaint.



3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case. He further submits that the petitioner has also lodged a complaint and a case was also registered in Cr.No.891 of 2021 as against the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that due to election dispute, a case and counter case came to be registered. He further submits that the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that this is a case in counter and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is partly allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Papanasam, Thanjavur District, 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 Judge 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 learned Judge 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 a.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 Judge/ 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 Judge/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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

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,
Papanasam, Thanjavur District.
- 2.Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.15464 of 2021
Date : 20.10.2021

TR/skn/SAR-II(28.10.2021) 3P 5C