



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15539 of 2021

1.Karthik
2.Nalla Sekar @ Sekar
3.Manimaran

... Petitioners/Accused
3 to 5

Vs

State through the rep.by
The Inspector of Police,
Uchipuli Town Police Station,
Uchipuli, Ramanathapuram District.
(Cr.No. 350 of 2021).

... Respondent/Complainant

For Petitioners : M/s.P.Rajeswari, Advocate.

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

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

PRAYER :-

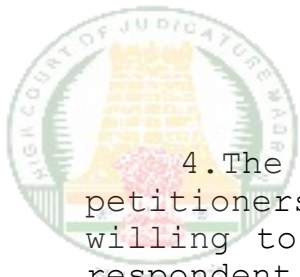
For Anticipatory Bail in Crime No.350 of 2021 on the file of the respondent Police.

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, 324, 427, 506(ii) and 394 of IPC in Crime No.350 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with others abused the defacto complainant in filthy language and attacked him. Hence, the complaint.

3. This is a second anticipatory bail application. The earlier petition was dismissed by this Court on 16.08.2021 considering the antecedents of the petitioners.



4. The learned counsel for the petitioners submits that the petitioners 1 and 2 are having only two previous cases and are willing to file an affidavit before the concerned Court as well as respondent Police stating that they will not indulge in any offence in future.

5. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioners 1 and 2 are having two previous cases and the 3rd petitioner is having six previous cases. He would further submit that the injured has been discharged from the Hospital.

6. Considering the nature of offence, the fact that the injured has been discharged from the Hospital and also the fact that petitioners 1 and 2 are willing to file an affidavit before the concerned Court as well as the respondent Police stating that they will not indulge in any offence in future, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2. However, since the third petitioner is having six previous cases, this Court is not inclined to grant anticipatory bail to him. Accordingly, this petition is dismissed insofar as the third petitioner is concerned and this petition is allowed insofar as the petitioners 1 and 2 are concerned.

7. The petitioners 1 and 2 are 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 Judicial Magistrate No.II, Ramanathapuram on condition that the petitioners 1 and 2 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 Magistrate concerned and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit by ensuring that the petitioners 1 and 2 will not indulge in any other offence in future and they will be available for the entire trial;

[b] the petitioners 1 and 2 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.

[c] the petitioners 1 and 2 shall report before respondent police daily at 10.30 am, until further orders.

[d] the petitioners 1 and 2 shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 1 and 2 shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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].

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. In fine, this petition is partly allowed.

Sd/-

21/10/2021

/ TRUE COPY /

/ /2021

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

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

ORDER

IN

CRL OP(MD) No.15539 of 2021

Date :21/10/2021