



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16484 of 2021

WEB COPY

Kumarpandi @ Kumar

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kallikudi Police Station,
Madurai District
(Crime No. 163 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Udhayakumar.R.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2021 on the file of the respondent Police.

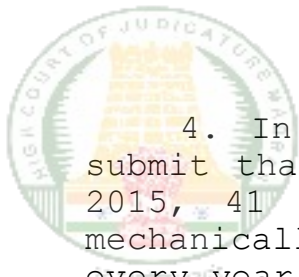
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 148, 294(b), 342, 323, 324, 506(ii) of IPC in Crime No.163 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.07.2021, there was a wordy quarrel between the petitioner and the defacto complainant in purchasing the liquor bottles and the petitioner assaulted the defacto complainant. Hence the complaint.

2. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in this case, there are six accused and the other accused persons have been arrested and released on bail.

3. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner on the ground that the petitioner is having seven previous cases.



4. In response, the learned counsel for the petitioner would submit that in so far as the cases in Crime No.69 of 2016, 170 of 2015, 41 of 2014 are concerned, the District Administration is mechanically initiating the proceedings under Section 107 of Cr.P.C every year during Devar Jeyanthi and the petitioner is an accused in the above said crime numbers. He would further submit that the petitioner is ready to file an undertaking affidavit before the respondent Police and the trial Court that he will not indulge in any offence in future.

5. Considering the nature of allegations against the petitioner, the fact that three cases referred as against the petitioner are proceedings under Section 107 of Cr.P.C and his willingness to file an undertaking affidavit, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

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, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judge 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 petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b]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.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] The petitioner is directed to file an undertaking affidavit stating that he will not indulge in any offence in future before the trial Court as well as before the respondent police.

[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioner shall not abscond either during investigation or trial.



[g]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]**.

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

sd/-
27/10/2021

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.16484 of 2021
Date :27/10/2021