



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

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17117 of 2021

WEB COPY

Muthumanikandan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No. 413 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Anantha Murugan.S.M.,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 413 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
294(b), 324 and 506(ii) of IPC, in Crime No.413 of 2021, seeks
anticipatory bail.

2. The case of the prosecution is that due to previous enmity,
the petitioner abused the defacto complainant in filthy language and
also attacked him. Therefore, the present case came to be
registered.

3. 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 this is the second
anticipatory bail petition, the earlier application filed by this
petitioner was dismissed on 05.10.2021 in CrI.O.P.(MD).No.15067 of
2021 on the ground that the petitioner is having eight previous
cases. But actually all the cases ended in acquittal. Therefore, he
seeks anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for
the respondent Police.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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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 No.II, Sivakasi, Virudhunagar 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 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 10.30 a.m until further orders;

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

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

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

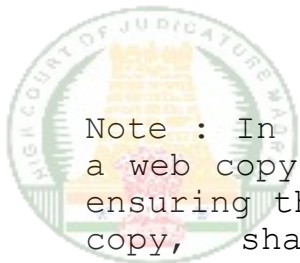
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
02/11/2021

/ TRUE COPY /

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



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.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO THROUGH-THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTTUR AT VIRUDHUNAGAR.
3. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ANANTHA MURUGAN.S.M. Advocate SR.No.7840

ORDER
IN

CRL OP(MD) No.17117 of 2021
Date : 02/11/2021

RK/JC/SAR-IV (16/11/2021) 3P 6C