



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.15956 of 2021

Suresh

... Petitioner/Accused No.2

Vs

state Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangia District.
Crime No.479 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Krishnan, Advocate for
Mr.A.Muralikumar, Advocate
For Respondent : R.Meenakshi Sundaram,
Additional Public Prosecutor

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

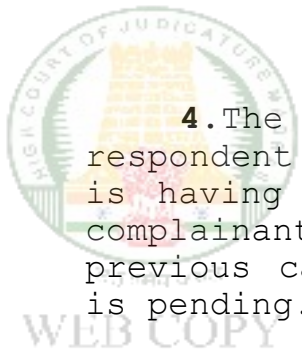
PRAYER :- For Anticipatory Bail in Crime No.479 of 2021 on the file of the Respondent Police.

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 341, 294(b) and 307 of IPC in Crime No.479 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 07.10.2021, at about 03.00 p.m., there was a wordy quarrel between the the petitioner and the defacto complainant, when the defacto complainant's uncle dropped the defacto complainant near wineshop, due to which, on 09.10.2021, the petitioner and others have beaten the defacto complainant. Hence, 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 not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has also got injured on his back and there is no previous case pending against the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the petitioner is having sickle at the time of occurrence and that the defacto complainant has no injury. He would further submit that there is no previous case pending against the petitioner and the investigation is pending.

5.Taking into consideration the facts and circumstances of the case, the fact that there is no previous case pending against the petitioner and also the fact that the defacto complainant has no injury, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, 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 learned Magistrate may obtain a copy of their Aadhaar cards or bank pass books to ensure their identity;

(b)the petitioner shall report before respondent police daily at 10.30 am., 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 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]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2021

/ 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.15956 of 2021
Date :12/10/2021

SM/GBG
MS/PN/SAR-4/08.11.2021/3P.5C