



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15910 of 2021

M.Balasubramanian

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
Crime No.417 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Mohamed Hashim A, Advocate.

For Respondent : M/s.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.417 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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.417 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of prosecution is that due to election dispute between the petitioner and the de-facto complainant, on 06.10.2021 at about 12.15 p.m., one Ganesan/A1 attacked the de-facto complainant with aruval, A2(Ananth) and the petitioner pulled the de-facto complainant and kicked him and all the accused persons criminally intimidated him. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that no previous case is pending against the petitioner. He fairly conceded that the injured has been treated as out patient.

5.Taking into consideration the facts and circumstances of the case, the injured has been treated as out patient, except Section 506(ii) I.P.C, all other offences are bailable in nature and also the fact the petitioner has not involved in any other offences, 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, Ambasamudram, 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 card or bank pass book to ensure their identity;

(b)the petitioner shall report before respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

(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.

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Sd/-
12/10/2021

/ TRUE COPY /

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

Tmg/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,
AMBASAMUDRAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15910 of 2021
Date :12/10/2021