



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16130 of 2021

Thamilarasan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.245 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Murugesan.M., Advocate.

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

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

PRAYER :-

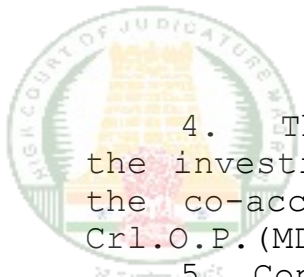
For Anticipatory bail in Crime.No.245 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No.245 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioner along with other accused persons attacked the defacto complainant with deadly weapons and also caused simple injuries.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that it is a case and counter case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the co-accused were granted anticipatory bail by this Court in Crl.O.P.(MD)No.15757 of 2021, on 20.10.2021.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that it is a case and counter case and the co-accused were also granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. 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, Usilampatti, 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 respondent police daily at 10.30 a.m. 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 is 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
25/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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.

TO

1. The Judicial Magistrate No.II,
Usilampatti.
2. -Do-Through
The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Elumalai Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.16130 of 2021

Date :25/10/2021

SP/VR/SAR IV/28/10/2021/3P/5C