



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16212 of 2021

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Selvam

... Petitioner / Accused No.5

Vs

State Rep. By
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.480/2020)

... Respondent / Complainant

For Petitioner : M/s.Thirupathy S,
Advocate.
For Respondent : Mr.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. 480 of 2020 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 offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No.480 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.11.2020, due to wordy quarrel, the petitioner and four others attacked the defacto complainant with bottle and knife and also caused injuries.

3. Learned Counsel for the petitioner submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 30.12.2020, made in Crl.OP(MD)No.16147 of 2020, with certain conditions. But, due to pandemic situation, the petitioner was unable to surrender before the concerned Court in time and therefore, he filed a petition for extension of time before this Court in Crl.M.P.(MD)No.7985 of 2021, which was dismissed by this Court on 06.10.2021, with liberty to file a fresh petition. Therefore, he moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in Crl.OP(MD)No.16147 of 2020, dated 30.12.2020 and further submitted that he has not complied with the conditions stipulated therein.

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5.Considering the nature of allegation levelled against the petitioner and also the fact that the petitioner has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

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, Singampunari, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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. for a period of two weeks 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 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]**.

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

sd/-
26/10/2021

/ 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.

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1.THE JUDICIAL MAGISTRATE,
SINGAMPUNARI, SIVAGANGAI DISTRICT.

2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.THIRUPATHY, Advocate (SR-7465[I] dated 26/10/2021)

ORDER IN
CRL OP(MD) No.16212 of 2021
Date :26/10/2021

SB/VR/SAR-IV/29.10.2021/3P/6C