



WEB COPY

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.16801 of 2021

P.Chinnakaruppan

... Petitioner/Accused No.8

Vs

State rep.by

The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.189/2021).

... Respondent/Complainant

For Petitioner : M/s.Prabhakaran.L, Advocate.

For Respondent : M/s.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 189 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.8, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148 and 302 of IPC @ 109, 120(b), 147, 148 and 302 of IPC in Crime No.189 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 accused attacked the defacto complainant's father namely Natesan with the crowbar. Hence, the complainant.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner was not present in the occurrence place and the occurrence had taken place due to certain quarrel between A1 and A5, who are having civil dispute over the property. The petitioner is roped-in as an accused as if on his instigation, the said occurrence had taken. He further submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations against the petitioner and also the fact that the petitioner was not present in the occurrence place, this Court is inclined to grant anticipatory bail to the petitioners.

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, Ilupur, 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 appear before the respondent police once in a week, i.e., on every Monday 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 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/-
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.

TO

1. THE JUDICIAL MAGISTRATE,
ILUPUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16801 of 2021
Date :02/11/2021

SP/JC/SAR I/17/11/2021/3P/5C