



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17683 of 2021

J.Manimaran

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District
(Crime No. 51 of 2021).

... Respondent/Complainant

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

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 51 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 307, 324 and 506 (2) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner attacked the defacto complainant with an iron rod and threatened him with dire consequence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the co-accused were already released on bail and the injured was also discharged from the hospital.

4.The learned Government Advocate(Crl.Side) would submit that the co-accused were already released on bail and the injured was also discharged from the hospital on 07.04.2021.

5.Considering the fact that there existed neighbourhood dispute between the parties that the injured was discharged from the



hospital, that the co-accused have already been granted bail by this Court and by the jurisdictional Magistrate and that the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, 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 Court No.II, Virudhunagar, Virudhunagar District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/11/2021

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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 LEARNED JUDICIAL MAGISTRATE COURT NO.II
VIRUDHUNAGAR

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.MUSTHAFAKHAN.M Advocate SR.No.8141

ORDER

IN

CRL OP(MD) No.17683 of 2021

Date :15/11/2021

SA/VR/SAR.2/22.11.2021/3P/6C