



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17333 of 2021

Jeyasurya ... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Cr.No.862 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran C,
Advocate.
For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

C-38AB For Anticipatory bail in Crime.No.862 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.862 of 2021. seeks anticipatory bail.

3.The case of the prosecution is that on 01.10.2021, the petitioners 2 & 3 rode their motorcycle through the defacto complainant's field. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in



filthy language and also attacked him. Hence, the complaint has been registered.

4. This petitioner moved anticipatory bail along with other accused, which came to be dismissed on the ground that the petitioner's counsel submitted that this petitioner is not going to be an accused and sought permission of this Court to withdraw the petition.

5. Now, the petitioner's counsel claims that the petitioner is apprehending arrest at the hands of the respondent police.

6. Considering the facts and circumstances of the case and also taking into consideration the fact that the co-accused have been granted anticipatory bail in Crl.O.P(MD) No.15444 of 2021 and the fact that the earlier application was dismissed on the request made by the petitioner's counsel to withdraw the application, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Judicial Magistrate Court NO.II, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, 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 am.

[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]**.



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

sd/-
11/11/2021

/ TRUE COPY /

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

VRN

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 Court No.II, Kovilpatti.
2. -do-Through The Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-8003[I]
dated 11/11/2021)

ORDER
IN
CRL OP(MD) No.17333 of 2021
Date :11/11/2021

RD/CN/SAR-II(17.11.2021) 3P 6C