



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Date : 12/11/2021

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.17542 of 2021**

Kumar

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... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.
(Crime No. 490 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory bail in Crime No.490 of 2021 on the file of the respondent police

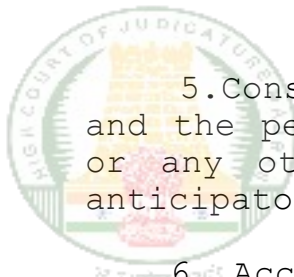
ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 397 I.P.C., in Cr.No.490 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 21.09.2021 at about 730PM, the accused persons waylaid the defacto complainant and his brother and demanded money. When the same was questioned by the defacto complainant, A1 assaulted him with knife on his left eye brow and A2 grabbed a sum of Rs.2,000/- from the pant pocket of the defacto complainant. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that due to the bad antecedents of the first accused, he was detained under GOONDAS Act and since the petitioner is the friend of first accused, he was also implicated in this case falsely. He is innocent. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that investigation is not yet completed and injured was treated as out patient. However, he would concede that no previous case is pending against the petitioner.



5. Considering the facts that injured was treated as out patient and the petitioner is not having previous case for similar offence or any other property offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

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, Paramakudi, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) to the credit of Government of Tamil Nadu, **CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b) 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;

(c) 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.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/11/2021

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/ /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

WEB COPY

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

COPY TO

THE OFFICER IN CHARGE,
CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH,
CHENNAI-600 009.

+1. CC to M/S.SATHISH KUMAR K Advocate SR.No.8118
ORDER
IN
CRL OP(MD) No.17542 of 2021
Date :12/11/2021

MGJ/JM/SAR IV(19.11.2021) 3P 7C