



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.18694 of 2021

Marimuthu ... Petitioner/Accused Rank not known
Vs
The state represented by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No. 555 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Prabhu.C.R.M.,
Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

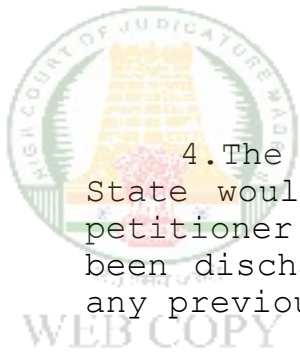
For Anticipatory Bail in Crime No. 555 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) I.P.C., r/w Section 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities)Amendment Act 2015, in Cr.No.555 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2021 at about 10.00p.m., when the defacto complainant went to hotel, the accused persons said to have assaulted him with beer bottle and iron rod, due to which he sustained injuries. Hence, the present 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 further submit that the petitioner herein is also belonging to SC community and as such, the SC/ST (Prevention of Atrocities)Amendment Act 2015 has no application so far as the petitioner is concerned and he has also produced a copy of the community certificate and whereunder, it is shown that the petitioner is belonging to Hindu Chakkiliya community.



4.The learned Additional Public Prosecutor appearing for the State would admit the above factum regarding the community of the petitioner. He would further submit that the injured has already been discharged from the hospital and the petitioner is not having any previous case.

5.Considering the facts and circumstances and considering the other charges, except 506(ii) I.P.C., other offences are bailable in nature and that the injured has already been discharged from the hospital and also considering the fact that the petitioner is not having any previous cases for similar offences or for any other serious offences, as stated by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Special Court, PCR Act Cases, Ramanathapuram, 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 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 10.30a.m., for 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
29/11/2021

/ TRUE COPY /

WEB 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 JUDGE,
SPECIAL COURT, PCR ACT CASES,
RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1 CC to M/s.C.R.M.PRABHU, Advocate (SR-8616[I] dated 29/11/2021)

ORDER
IN
CRL OP(MD) No.18694 of 2021
Date :29/11/2021

SSL

SS/JC/SAR-II/03.12.2021 : 3P/5C