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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17850 of 2021

1. Siva
2. Sembulingam

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
(Crime No.239 of 2021).

... Respondent/Complainant

Mangudi

... Petitioner/Interveer/
Defacto Complainant
(in Crl.M.P.(MD)No.10060
of 2021)

For Petitioners: M/S.BAALASUNDHARAM.K, Advocate.

For Respondent : M/S.S.MANIKANDAN,
Government Advocate (Crl.Side)

For Intervenor : M/S.R.SENTHILKUMAR, Advocate

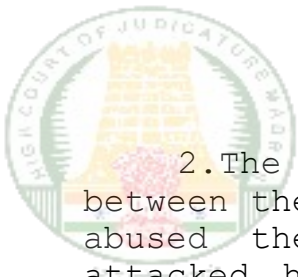
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.239 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 452, 427 and 506(2) IPC, in Crime No. 239 of 2021, seek anticipatory bail.



2.The case of the prosecution is that due to previous motive between the petitioners and the defacto complainant, the petitioners abused the defacto complainant with filthy language and also attacked him and others with deadly weapon and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that injured were discharged from the hospital and hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the injured were discharged from the hospital, on 04.11.2021.

5.Considering the facts that there existed previous enmity between the parties, that the injured were discharged from the hospital and that except the offences under Sections 452 & 506(ii) IPC., other offences are bailable in nature and also the fact that the case in counter case is registered in Crime No.240 of 2021 against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, on condition that the petitioners 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 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:

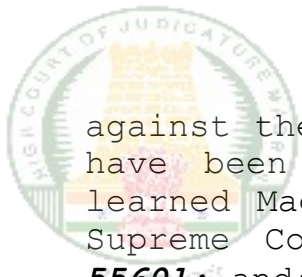
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall stayed at Thanjavur and shall report before the Inspector of Police, Medical College Police Station, Thanjavur, for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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;

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

Sd/-
22/11/2021

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

DSS

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,
Thirumayam.
2. -Do-Through
The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Medical College Police Station,
Thanjavur.

ORDER
IN
CRL OP(MD) No.17850 of 2021
Date :22/11/2021