



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

Date : 26.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.18006 of 2021

1.Ruban Paulraj Ponselvaraj
2.Raja @ Jacob Pushparaj
3.V.Charles Samuel ... Petitioners/Accused Nos.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Sawyerpuram police station,
Thoothukudi District.
In Crime No.226 of 2021. ... Respondent/Complainant

For Petitioner : Mr.KA.Ramakrishnan
Advocate.

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.side)

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

PRAYER :-For Anticipatory Bail in Crime No.226 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section **(*) 147, 148,294(b),307,324,506(ii),109 of IPC** in Crime No.226 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there existed a civil dispute between the parties. On the date of occurrence, the petitioners have caused injury to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this petition may be dismissed as withdrawn so far as the first petitioner is concerned. He further would submit that the petitioners 2 and 3 are innocent and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was discharged from the hospital and no previous case has been filed against the petitioners herein.

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5. Recording the said submission of the learned counsel for the petitioners, this petition stands dismissed as withdrawn so far as the first petitioner is concerned.

6.Considering the facts that there existed civil dispute between the parties and that the injured was discharged from the hospital, and also the fact that except the offences under Section 506(ii) and 307 of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 subject to the following conditions:

7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of 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 No.I, Thoothukudi, on condition that the petitioners 2 and 3, 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 2 and 3 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 2 and 3 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 petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-

26/11/2021

**(*)Amended as per order of this Court
dated 26.11.2021 in CRL MP(MD)
No.10313/2021 in CRL OP(MD) No.18006/2021.**

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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

- 1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAWYERPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18006 of 2021

Date :26/11/2021

PNN

MK/PN/SAR.III/07.12.2021/3P/5C