



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18037 of 2021

Sasikumar

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District-612 104.
(Crime No.1044/2021)

... Respondent/Complainant

For Petitioner : M/s.C.Kishore, Advocate.

For Respondent : M/s.S.Manikandan
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1044 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 offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) IPC in Crime No.1044 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2021, when the de-facto complainant and his friends were taking selfie in the shutters of Kaveri river at Mananjeri, the petitioner along with other accused attacked the de-facto complainant with beer bottle and sickle and caused injury. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 to A3 have already been released on bail by the Jurisdictional Magistrate.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was already discharged from the hospital.

5. Considering the facts that there was a wordy quarrel between the parties, that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that A1 to A3 have already been released on bail by the Jurisdictional Magistrate, 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 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 Court, Thiruvidaimaruthur, Thanjavur District, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(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]**; and;



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

WEB COPY

Sd/-
19/11/2021

/ TRUE COPY /

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

SJI

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,
THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT -612 104.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KISHORE C Advocate SR.No.8318

ORDER
IN
CRL OP (MD) No.18037 of 2021
Date :19/11/2021