



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.11.2021

WEB COPY

PRESENT

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

CRL OP(MD) . No.18134 of 2021

Hari @ Hariharan

... Petitioner/Accused No.2

Vs

State Rep. By
The Sub-Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
(Cr.No.690/2021)

... Respondent/Complainant

For Petitioner : Mr.A.Anandaraj
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

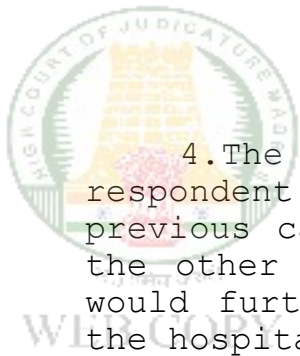
For Anticipatory Bail in Crime No.690 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 341, 324, 307 and 506(ii) IPC in Crime No.690 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.09.2021, the petitioner and other accused scolded the de-facto complainant in filthy language and attacked him with knife and also caused injury. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are friends, that he is a good person and that he has been falsely implicated in this case. He would further submit that the co-accused had already been arrested and released on bail.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioner is having five previous cases, out of which, three cases are disposed of and that the other two cases are pending against the petitioner herein. He would further submit that the injured was already discharged from the hospital.

5.Considering the facts that there was a wordy quarrel between the petitioner and the de-facto complainant, that the injured was already discharged from the hospital and also the fact that the co-accused had already been arrested and released on bail, 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 No.2, Pudukkottai, 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.

sd/-
19/11/2021

/ TRUE COPY /



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 NO.2,
PUDUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18134 of 2021
Date : 19/11/2021

SB/PN/SAR-III/24.11.2021/3P/5C