



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.11.2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18131 of 2021

Suji @ Kishor Kumar @ Kishore Akash ... Petitioner/Accused
No.3

Vs

State rep.by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No.596 of 2021)

... Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan,Advocate.

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

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

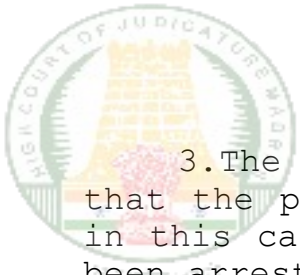
PRAYER :-

For Anticipatory Bail in Crime No.596 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 323, 324 and 506(ii) IPC in Crime No.596 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioner along with others and the de-facto complainant, due to which, the petitioner attacked the de-facto complainant with wooden log and cause 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 and A2 have already been arrested and released on bail by the Jurisdictional Magistrate.

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4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured was already discharged from the hospital. He would further submit that the petitioner is not having any previous case.

5.Considering the facts that there existed previous enmity 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, that A1 and A2 have already been arrested and released on bail by the Jurisdictional Magistrate and also the fact that the petitioner is not having any previous case for similar or serious offences, 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, Periyakulam, 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.

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Sd/-
19/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
PERIYAKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL MURUGAN C Advocate SR.No.18131

ORDER
IN
CRL OP (MD) No.18131 of 2021
Date : 19/11/2021