



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18289 of 2021

Sathish Kumar

... Petitioner/5th Accused

Vs

The State rep.by,
The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
(Crime No.158 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.S.Jeyakarthik,
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.158 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/5th Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324, 307, 506(ii) & 120(B) of IPC, in Crime No.158 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous election motive between the parties, the petitioner and the other accused abused the defacto complainant and her husband in filthy language and threatened them with dire consequences and also attacked them with knife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that injured was discharged from the hospital and co-accused have been released on bail. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that it is a case and case in counter and the injured was discharged from the hospital and that co-accused have already been released on bail.

5.Considering the fact that there arose quarrel between the parties, due to previous election motive, that the injured was discharged from the hospital, that the co-accused have already been granted bail and that a case in counter is pending against the defacto complainant in Crime No.159 of 2021, 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, Paramakudi, 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 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 petitioner 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 petitioner 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 petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/11/2021

/ TRUE COPY /

/ /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,
PARAMAKUDI.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
NAINAR KOVIL POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.M.S.JEYAKARTHIK, Advocate SR.No.8699.

ORDER
IN
CRL OP(MD) No.18289 of 2021
Date :29/11/2021

DSS
MK/VR/SAR.II/03.12.2021/3P/6C