



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.11.2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18214 of 2021

Mahendran

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime NO.256/2021)

... Respondent/Complainant

For Petitioner : M/s.B.Senthilkumar, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

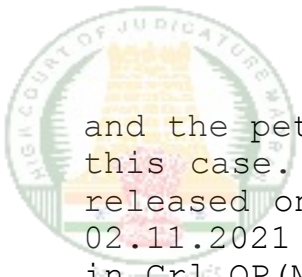
For Anticipatory Bail in Crime No.256 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 of IPC in Crime No.256 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son, namely, Jackson had an affair with the second accused's sister, namely, Vinola. After knowing their relationship, the petitioner and four others attacked the de-facto complainant's son with deadly weapon and caused injuries to him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are close relatives



and the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A4 was already arrested and released on bail by this Court, in CrI.O.P.(MD)No.17135 of 2021, on 02.11.2021 and A5 was also granted anticipatory bail by this Court in CrI.OP(MD)No.17373 of 2021, dated 10.11.2021.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured person has been discharged from the hospital. He would further submit that no previous case is pending against the petitioner.

5.Considering the facts that there existed previous enmity due to illicit intimacy of the injured with the 2nd accused's sister, that the injured was discharged from the hospital and that the co-accused/A4 has already been granted anticipatory bail by this Court and also the fact that the petitioner is having no previous case as stated by the learned Additional Public Prosecutor, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameshwaram, 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/-
22/11/2021

/ TRUE COPY /

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

das

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,
RAMESHWARAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHILKUMAR.B. Advocate SR.No.8356

ORDER
IN
CRL OP(MD) No.18214 of 2021
Date :22/11/2021