



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18341 of 2021

Silambarasan

... Petitioner/Accused No.6

Vs

State represented by
the Sub Inspector of Police,
Balamedu Police Station,
Madurai District.
In Crime No.204/2021.

... Respondent/Complainant

For Petitioner : Mr.J.Krishnakumar
Advocate.

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.204/2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 379, 511, 294(b), 324, 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
owns goat farm. On 21.06.2021, at about 03.00 a.m., when he was in
the goat farm along with his father, one Prasath and seven others
came there. The said Prasath and three others had sword and aruval.
They tried to enter into the goat farm. When the defacto
complainant and his father asked them to get out of the place, they
scolded in filthy language and made criminal intimidation with sword
and aruval. The said Prasath attacked the defacto complainant with
aruval on his neck. Hence the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this



4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that investigation is not yet completed. However, he submitted that the injured person had been discharged from the hospital.

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5.It is not in dispute that the petitioner has earlier filed an application for anticipatory bail in Crl.O.P.(MD)No.9018 of 2021 before this Court and this Court vide order dated 08.07.2021, has granted anticipatory bail to the petitioner with conditions. Thereafter, the petitioner has moved another application in Cr.M.P. (MD)No.8469 of 2021, seeking extension of time to comply with the order passed in Crl.O.P.(MD)No.9018 of 2021 and this Court vide order dated 26.10.2021, dismissed the said petition by granting liberty to the petitioner to file a fresh petition for anticipatory bail. In pursuance of the said order, the above petition came to be filed.

6.Considering the above facts and circumstances of this case and also the fact that this Court has already granted anticipatory bail in Crl.O.P.(MD)No.9018 of 2021, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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, Vadipatti 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 condition 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 a.m., 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

<https://hccservicescourts.gov.in/Kse/sha> **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/-
24/11/2021

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/ /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,
VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
BALAMEDU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.PREM KUMAR, Advocate (SR-8482[I] dated 24/11/2021)

ORDER
IN
CRL OP(MD) No.18341 of 2021
Date :24/11/2021

pnn
MK/VR/SAR.II/02.12.2021/3P/6C