



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18818 of 2021

1. Lingadurai
2. Shanmugadurai

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Sathankulam Police Station,
Tuticorin District
(Crime No.86 of 2021)

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar,
Advocate.

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

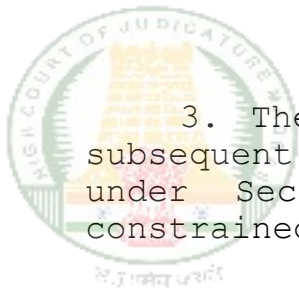
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.86 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act @ 294, 323, 324, 307, 506(i) of IPC and Section 4 of TNPHW Act in Crime No.86 of 2021 on the file of the respondent police, seek anticipatory bail.

2. It is not in dispute that the petitioners have filed an application for anticipatory bail in CrI.O.P(MD) No.6942 of 2021 for the offences under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPHW Act and this Court vide order dated 19.05.2021 has granted anticipatory bail to the petitioners with certain conditions.



3. The learned counsel for the petitioners would submit that subsequent to the order of granting anticipatory bail, the offence under Section 307 of IPC was added and hence the petitioners were constrained to file the present application for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that even before filing the earlier anticipatory bail petition, the offence under Section 307 of IPC was added on 12.04.2021 itself. Now the injured has also been discharged from the hospital.

5. Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital and that except the offences under Section 307 and 506(i) IPC and Section 4 of TNPHW Act, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2021

/ TRUE COPY /

WEB 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,
SATHANKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18818 of 2021
Date :30/11/2021

AAV
MK/CN/SAR.III/07.12.2021/3P/5C