



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2021
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.18792 of 2021

Gokul ... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
Srirangam Police Station,
Trichy City.
(Crime No. 997 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,
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. 997 of 2021 on the file of
the Respondent police.

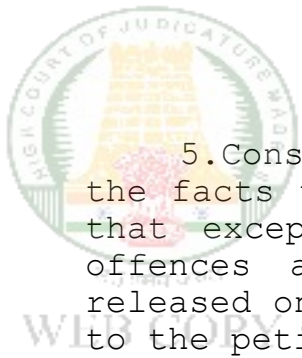
ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
324 and 506(ii) IPC in Crime No.274 of 2021 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity
the petitioner herein abused the defacto complainant, assaulted him
and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and a false case has been foisted
against him. He would also submit that the injured has been
discharged from the hospital.

4.The learned Additional Public Prosecutor appearing for the
respondent police would submit that the injured was already
discharged from the hospital and A1 was arrested and released on
bail.



5.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital that except the offences under Section 506(ii) IPC, the other offences are bailable in nature and that A1 was arrested and released on bail, 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, Srirangam, 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2021

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
SRIRANGAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
 - 3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18792 of 2021
Date :30/11/2021

AAV

SS/CN/SAR-II/06.12.2021 : 3P/5C