



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10.12.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.19590 of 2021

Santhosh @ Tentinsathish

... Petitioner/
Accused No.3

Vs

The State,
represented by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.284 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.Vishnuram
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

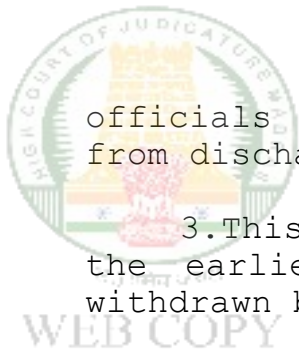
PRAYER :-

For Anticipatory Bail in Crime No.284 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 332 and 307 IPC in Crime No.284 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.11.2021, the respondent police, on secret information, went to the occurrence place and found that the petitioner and other accused persons unlawfully assembled in drunken mood near the Devar Statue before the Thamaraiikulam Hotel. When the same was questioned by the respondent police, all the accused persons assaulted the police



officials and attempted to commit murder and also prevented them from discharging their duties. Hence, the complaint.

3.This is the second bail petition for anticipatory bail and the earlier petition filed by the petitioner was dismissed as withdrawn by order dated 24.11.2021 in Crl.O.P.(MD)No.17815 of 2021.

4.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent would submit that the injured was already discharged from the hospital. He would further submit that no previous case is pending against the petitioner herein.

5.The learned counsel appearing for the petitioner would submit that the petitioner is only 19 years old and is a first year college student.

6.Considering the nature of the charges alleged against the petitioner and also the facts that the injured was already discharged from the hospital, that except the offence under Section 307 IPC, all other offences are bailable in nature and that the petitioner is not having any previous cases and also the fact that accused No.6 in this case was granted bail in Crl.O.P.(MD)No.19156 of 2021 dated 03.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

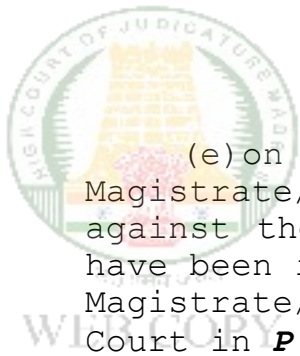
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, on condition that the petitioner shall 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 06.00 p.m., for a period of thirty days 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 No.3/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/12/2021

/ TRUE COPY /

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

CSM

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, Ramanathapuram District.
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram
- 3.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.CHELLA MANI, Advocate (SR-9153[I] dated 13/12/2021)
ORDER IN
CRL OP(MD) No.19590 of 2021
Date : 10.12.2021

TR/JC/SAR-III(15.12.2021) 3P 6C