



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD) No. 20437 of 2021

Ruban paulraj ponselvaraj

... Petitioner/Accused No.1

-vs-

State Rep.by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.
(Crime No.226 of 2021)

... Respondent/Complainant

For Petitioner : Mr.KA.Raamakrishnan
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.226 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 307, 324, 506(ii), 109 of I.P.C, in Crime No.226 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there existed a civil dispute between the parties. On the date of occurrence, the petitioner has caused injury to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this Court, while granting anticipatory bail to the accused Nos. 2 and 3, in Crl.O.P(MD) No.18006 of 2021, vide order dated 26.11.2021, dismissed the petition as withdrawn as against the present petitioner herein.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that three cases are pending as against the petitioner including a murder case of the year 2017 and



the injured was discharged from the hospital.

5.Considering the facts that there existed civil dispute between the parties and that the injured was discharged from the hospital, and also the facts that except the offences under Sections 506(ii) and 307 of IPC, all other offences are bailable in nature, and that this Court has already granted anticipatory bail to the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to the petitioner to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and 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 No.1, Tuticorin, Tuticorin 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 Judicial Magistrate No.1, Tuticorin 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 Magistrate/concerned court 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., until further orders.

[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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/12/2021

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



TO

1. The Judicial Magistrate No.1
Thoothukudi District.

2. Do Through The Chief Judicial Magistrate,
Thoothukudi District.

3. The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-9563[I] dated
21/12/2021)

ORDER

IN

CRL OP(MD) No.20437 of 2021

Date :21/12/2021

RS/CN/SAR.2(28.12.2021) 3P-6C