



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.20656 of 2021

Sathish @ Jilla

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Cr.No.277 of 2021

... Respondent/Complainant

For Petitioner : M/s.Vijayaraja.J.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.277 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No.277 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on 19.06.2021, the defacto complainant's brother Maheswaran had gone to Pasiyapuram Manthai. At that time Gilla @ Sathish, Muthukumar, Chandru, Surya, Soonai were consuming liquor and they picked up quarrel with his brother Maheswaran and beat him. On 20.06.2021 at about 9.00a.m., the defacto complainant took Maheswaran along with Sethupathiraja and asked as to why they had beaten his brother. The accused and some other had joined together and scolded him in filthy language.



Jilla @ Sathish attacked Sethupathiraja with Knife on his back three times. They had also beaten Sethupathiraja with stick. Jilla @ Sathish criminally intimidated them and went from there. Hence, the complaint.

4.The petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 13.07.2021, considering the nature of allegations made as against the petitioner.

5.Now, the learned counsel for the petitioner submits that the petitioner's previous case has been still pending trial and it is not ended with any conviction.

6.The learned Government Advocate submits that investigation is also completed on 20.06.2021.

7.Considering the nature of allegations as against the petitioner and taking into consideration the fact that the investigation is also completed, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thiruppuvanam, on condition that the petitioner 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 Judge 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[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 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]**.

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

sd/-
23/12/2021

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/ /2022
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,
THIRUPPUVANAM.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20656 of 2021
Date :23/12/2021

RS/CN/SAR.4(07.01.2022) 3P-5C