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

Date : 09/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1465 of 2022

Srinath

... Petitioner

Vs

State rep.by
The Inspector of Police,
Sedapatti Police Station,
Madurai District.
(Crime No.206 of 2021).

... Respondent

For Petitioner : M/s.Balaji,S. Advocate.

For Respondent : M/s.M.Muthu Manikkam,
Counsel for Government of
Tamil Nadu (Crl.Side)

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

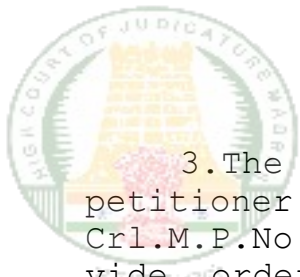
PRAYER :-

For Anticipatory Bail in Crime No.206 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 341, 324, 427 and 506(ii) IPC, in Crime No.206 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, due to which, the petitioner scolded the defacto complainant and one Anand in filthy language, damaged the two wheeler of Anand, assaulted the defacto complainant with broken bottle on his head, chest and hand and caused injuries and threatened him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has filed a petition for anticipatory bail in Crl.M.P.No.4803 of 2021 and the learned Principal Sessions Judge, vide order dated 01.10.2021 has granted anticipatory bail on conditions and that due to Covid-19 restrictions, the petitioner was not in a position to comply with the conditions imposed by the learned Sessions Judge.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner attacked the defacto complainant and damaged one two wheeler.

5.Considering the facts and circumstances of the case and also the facts that the petitioner has already been granted anticipatory bail and that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, 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 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, Peraiyur, Madurai 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 respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate 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 am for a period of one month and thereafter, as and when required for interrogation.

(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]**; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
09/02/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

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

+1. CC to M/S.BALAJI.S Advocate SR.No.920

ORDER
IN
CRL OP(MD) No.1465 of 2022
Date :09/02/2022