



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1397 of 2022

Malaichamy

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Elanjambur Police Station,
Ramnad District.
(Crime No. 177/2020).

... Respondent/Complainant

For Petitioner : M/s.Venkatesh.D., Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.177 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 427, 379, 506(i) & 307 of IPC, in Crime No.177 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a temple festival, due to previous enmity, a wordy quarrel arose between the petitioners and the defacto complainant, for which, the petitioners said to have attacked him with deadly weapons. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. He would further submit that this Court had granted anticipatory bail to the co-accused in CrI.O.P(MD).No.12461 of 2020 dated 05.11.2020. Except, the petitioner's father all other accused produced sureties. When his father went to produce surety, the respondent informed that instead of the petitioner his father was wrongly arrayed as accused. As such the petitioner is filing the present application now.

4. The learned Government Advocate(CrI.Side) appearing for the respondent submits that no previous case is pending against the petitioner and also submitted that it is a case in counter and the injured has been discharged from the hospital.

5. Considering the facts and the circumstances of this case and also of the fact that it is a case in counter and the injured person has been discharged from the hospital, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Mudukulathur, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
04/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
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,
MUDUKULATHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION,
RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.1397 of 2022

Date :04/02/2022

SP/SBN/SAR II/18/02/2022/3P/5C