



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

Date : 04/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.3937 and 3938 of 2022

Saran Patturaj

... Petitioner/Accused No.2
in both petitions

Vs

The State Rep. By,
The Sub Inspector of Police,
Sawyerpuram Polcie Station,
Sawyerpuram,
Thoothukudi District.
(Cr.Nos. 80 and 81 of 2021).

... Respondent/Complainant
in both petitions

In both the petitions:-

For Petitioner : M/s.Pragalathan N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

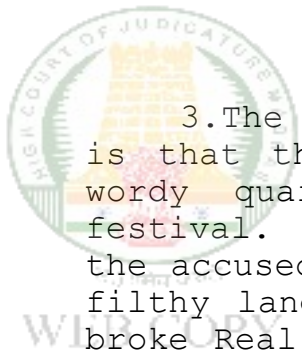
COMON PRAYER :-

For Anticipatory bail in Crime Nos.80 and 81 of 2021 on the file
of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/A2 in both cases, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147, 294(b), 323, 427 and 506(2) of IPC, in Cr.Nos.80 and
81 of 2021, respectively, on the file of the respondent police,
seeks anticipatory bail.

2.The case of the prosecution in Crl.O.P.(MD) No.3937 of 2022
is that on 11.04.2021 at about 10.00 a.m., in connection with an
earlier incident with one Sasikumar, the accused came to the spot in
motorcycle with wooden logs and scolded the de-facto complainant and
attacked him. As a result, he suffered injuries. They also took two
cell phones, namely, Samsung S9 and Read me 12 Pro and broken it
causing damage to the tune of Rs.60,000/-. Therefore, the case in
Crime No.80 of 2021 under Sections 147, 294(b), 323, 427 and 506(2)
of IPC has been registered.



3.The case of the prosecution in Crl.O.P.(MD) No.3938 of 2022 is that there was previous enmity from 09.04.2021. There was a wordy quarrel between the parties in connection with temple festival. Due to that incident on 11.04.2021 at about 10.30 a.m., the accused came in two wheeler with wooden logs and scolded him in filthy language and attacked him using the wooden log. They also broke Real Me II Pro Cell phone worth about Rs.12,000/- and a case in Crime No.81 of 2021 under Sections 147, 294(b), 323, 427 and 506 (2) of IPC has been registered.

4.The learned counsel for the petitioner would submit that the petitioner has filed two applications seeking anticipatory bail in Crl.O.P.(MD)Nos.7694 and 7670 of 2021 and this Court vide order dated 25.06.2021 has granted anticipatory bail directing the petitioner and other accused to deposit a sum of Rs.30,000/- in Crime No.80 of 2021 and Rs.10,000/- in Crime No.81 of 2021. He would further submit that due to Covid-19 restrictions, the petitioner was not in a position to furnish the sureties and the other accused has also not complied with the orders and that the petitioner is now constrained to file the above applications.

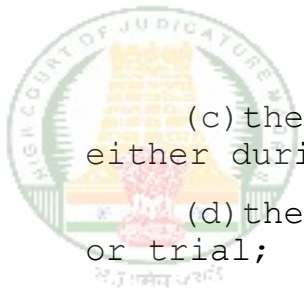
5.Considering the nature of the charges levelled against the petitioner and also the fact that except the offence under Section 506(2) IPC, all other offences are bailable in nature and also taking note of the fact that the petitioner and other accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each in Crime Nos.80 and 81 of 2021 before the learned Judicial Magistrate Court No.1, Thoothukudi, Thoothukudi District, without prejudice to his rights and contentions within a period of two weeks from the date of receipt of a copy of this order;

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate Court No.1, Thoothukudi, Thoothukudi 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 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 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]***; and;

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

sd/-

04/03/2022

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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 NO.I,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
SAWYERPURAM, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.N.PRAGALATHAN, Advocate (SR-1730 & 1731[I] dated 04/03/2022)

ORDER IN

CRL OP(MD). Nos.3937 and 3938
of 2022

Date :04/03/2022