



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.03.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4459 of 2022

Amsamuthu

...Petitioner/ Accused Rank No.63

Vs

The State represented by
The Inspector of Police,
Thenkarai Town Police Station,
Theni District.
(Crime No.252 of 2019)

... Respondent

For Petitioner : Mr.J.Vishnu,
Advocate.

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

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

PRAYER :-

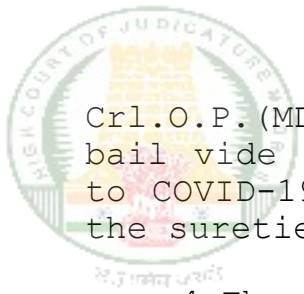
For Anticipatory Bail in Crime No.252 of 2019 on the file of the Respondent police.

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 147, 148, 149, 323, 324, 307, 427, 353 and 332 IPC r/w 3(1) of TNPPDL Act, in Crime No.252 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with his villagers conducted road roko for the reason that one of the villagers was attacked by the Lakshmipuram Villagers. At that time, the respondent police charged against the petitioner's villagers and someone pelted stones on the respondent police and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed an application for anticipatory bail in



Crl.O.P.(MD)No.100 of 2021 and this Court has granted anticipatory bail vide order dated 20.01.2021. He would further submit that due to COVID-19 restrictions and he was not well, he could not produce the sureties.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation has already been completed and charge sheet has been laid before the Judicial Magistrate, Periyakulam, in PRC.No.15 of 2020.

5.Considering the above facts and also the fact that the petitioner was already granted anticipatory bail by this Court, 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 Court, Periyakulam, Theni 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[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 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 229-A IPC.

sd/-
09/03/2022

/ TRUE COPY /

/ /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,
PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THENKARAI TOWN POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4459 of 2022
Date :09/03/2022

CSM
MK/PN/SAR.IV/15.03.2022/3P/5C