



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5822 of 2022

1. Ramar @ Karthick

2. Ponraj

... Petitioners/Accused 3 & 4

Vs

State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.231 of 2021)

... Respondent/Complainant

For Petitioners: Mr.M.Prabu,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

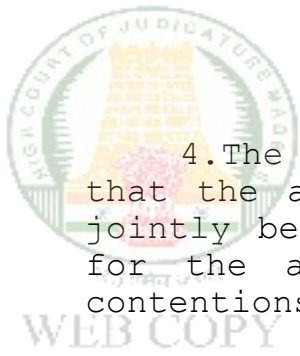
For Anticipatory Bail in Crime No.231 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 147, 148, 447, 294(b), 427 and 506(2) IPC, in Crime No.231 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused attacked the defacto complainant, abused him in filthy language and also threatened him with dire consequences by using Aruval and caused damages worth about Rs.1,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have earlier filed an application in Crl.O.P.(MD)No.6125 of 2021 seeking anticipatory bail and this Court, vide order dated 29.04.2021, has granted anticipatory bail to the petitioners by imposing certain conditions. He would further submit that due to COVID-19 restrictions, the petitioners could not furnish the sureties and that therefore they are constrained to file the above application for anticipatory bail.



4.The learned counsel for the petitioners would also submit that the accused 1 and 2 had already paid a sum of Rs.1,00,000/- jointly before the concerned Court as per the order of this Court for the alleged damages without prejudice to their rights and contentions.

5.Considering the above facts and circumstances and also the facts that the petitioners were already granted anticipatory bail by this Court and that investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are 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 learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, on condition that the petitioners 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 Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/03/2022

/ 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 NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
 - 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PRABU M Advocate SR.No.2722

ORDER
IN
CRL OP(MD) No.5822 of 2022
Date :30/03/2022

SS/SVR/SAR:II/05.04.2022 : 3P/6C