



WEB COPY

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

Date : 19.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6024 of 2022

1. Alavutheen
2. Sanjay Kumar

... Petitioners/Accused 2 & 4

Vs

State represented by
The Inspector of Police,
Singampuneri Police Station,
Sivagangai District.
(Crime No.480 of 2020)

...Respondent/Complainant

For Petitioners: Mr.K.Dinesh, 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.480 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 & A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC, in Crime No.480 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners and other accused attacked the defacto complainant with bottle and knife and caused injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners along with other three accused have earlier filed an application in CrI.O.P.(MD)No.16147 of 2020 seeking anticipatory bail and this Court, vide order dated 30.12.2020, has granted anticipatory bail 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 again.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed.

5.Considering the above facts and circumstances and also the facts that except the offence under Section 506(2) IPC, all other offences are bailable in nature, that investigation is almost completed and that the petitioners were already granted anticipatory bail by this Court, 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, Singampuneri, 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 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.

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Sd/-
19/04/2022

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

CSM

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

+1. CC to M/S.DINESH K Advocate SR.No.3634

ORDER
IN
CRL OP(MD) No.6024 of 2022
Date :19/04/2022