



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6207 of 2022

1. Baskar
2. Saravanan
3. Aanand
4. Sakthivel
5. Pandian @ Maruthupandi

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Karambakudi Police Station,
Pudukottai District
(Crime No.89 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Poornachandran.S., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 89 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) and 379(NP) IPC, in Crime No.89 of 2022, seek anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant was returned after watching Adal Padal Programme at temple festival, the petitioners and other accused scuffled with the Bangle shop and when the same was questioned by the de-facto complainant and his friends, for which, the petitioners abused the de-facto complainant in filthy language and attacked him with iron rod and also caused injuries. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. When the matter is taken up for hearing today, the learned Government Advocate (Crl. side) would submit that the petitioners 3 to 5 were ordered to be deleted, vide deletion report dated 26.03.2022 and that two more accused were arrayed as accused in this case. He would further submit that the injured was discharged from the hospital.

5. Since the petitioners 3 to 5 were ordered to be deleted in this case, this petition is dismissed as against the petitioners 3 to 5 are concerned.

6. Considering the nature of the charges levelled against the petitioners 1 and 2 and also the facts the injured was already discharged from the hospital and that except the offence under Sections 506(ii) and 379(NP) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions.

7. Accordingly, the petitioners 1 and 2 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aalangudi, on condition that the petitioners 1 and 2 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

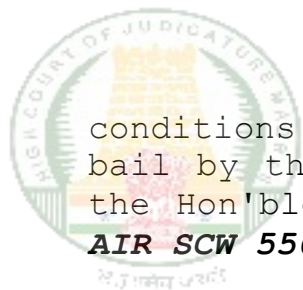
a) the petitioners 1 and 2 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 and 2 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1 and 2 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 1 and 2 in accordance with law as if the



conditions have been imposed and the petitioners 1 and 2 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
08/04/2022

/ TRUE COPY /

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

SJI

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,
Aalangudi.
 2. -Do-Through
The Chief Judicial Magistrate,
Pudukottai District.
 3. The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.POORNACHANDRAN.S. Advocate SR.No.3178

ORDER
IN
CRL OP(MD) No.6207 of 2022
Date :08/04/2022