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

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . Nos.16151 and 16041 of 2022

David Prakash ... Petitioner/Accused No.6
(in Crl.O.P.(MD)No.16151 of 2022)

1. Chinna Ayyar @ Iruthayasami
2. Isak Rameshkumar @ Essacc Ramesh Kumar
... Petitioners/Accused Nos.7 & 4
(in Crl.O.P.(MD)No.16041 of 2022)

Vs

State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.890 of 2022) ... Respondent/Complainant
(in both petitions)

In both Petitions:-

For Petitioners : M/s.Karnan.G, Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.890/2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A6, A7 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) IPC, in Cr.No.890 of 2022, seek anticipatory bail.



2.The case against the petitioners is that there was a wordy quarrel between the parties regarding parking of a vehicle, the petitioners attacked the de-facto complainant and his family members with deadly weapons. Hence, the complaint.

3.On the side of the petitioners, it is stated that A1 and A2 were already granted anticipatory bail by this Court in CrI.O.P.(MD) No.14894 of 2022, dated 01.09.2022. A counter case was registered against the de-facto complainant in Crime No.889 of 2022 and prayed the petitioners to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that the injured was discharged from the hospital and that the co-accused were already granted anticipatory bail by this Court in CrI.O.P.(MD) No.14894 of 2022, dated 01.09.2022.

5.Considering the nature of the offence and on considering the fact that there is a counter case pending against the de-facto complainant and also considering the facts that the injured was discharged from the hospital and that the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of 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 Court No.II, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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:

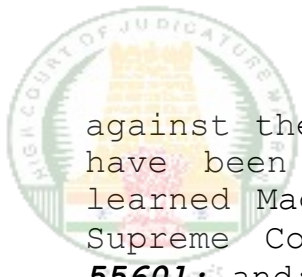
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

(iv)the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

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

Sd/-

07/09/2022

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Sub-Assistant Registrar (C.S.II)
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 NO.II,
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARNAN.G Advocate SR.Nos.9731 & 9732

ORDER

IN

CRL OP(MD) . Nos.16151

and 16041 of 2022

Date :07/09/2022