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

Date : 17/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18369 of 2022

Seik Abthullah

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No.150/2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.150/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) IPC, in Cr.No.150 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties, the petitioner abused the de-facto complainant in filthy language and attacked him with deadly weapons. Hence, the
Complaint.



3.The learned counsel for the petitioner would submit that the petitioner along with other accused have already filed a petition in Crl.O.P.(MD)No.13346 of 2022 and this Court vide order dated 25.07.2022, has granted anticipatory bail to the petitioner along with other accused by imposing certain conditions. He would further submit that due to illness, he could not able to execute the sureties within the time prescribed by this Court. Hence, the petitioner is constrained to file the above application.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital. He would further submit that the petitioner has not complied with the earlier order of this Court, dated 25.07.2022. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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]**; and;



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

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Sd/-
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/10/2022

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

SJI

TO

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

ORDER
IN
CRL OP(MD) No.18369 of 2022
Date :17/10/2022

SP/VR/SAR II/26/10/2022/3P/5C