



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.359 of 2023

WEB COPY

Ulaganathan

...Petitioner/Accused No.4

-vs-

The State represented by
The Inspector of Police,
Thirugokarnam Police Station,
Pudukottai District.
(in Cr.No.425 of 2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.425 of 2020.

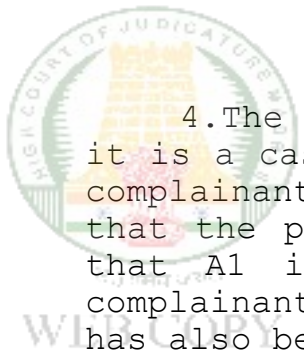
For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondent	: Mr.P.Kottai Chamy
	Government Advocate (crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) and 307 of IPC in Crime No.425 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 18.05.2020, the petitioner and other accused have trespassed into the de-facto complainant's house and abused him in filthy language and also attacked the de-facto complainant and his uncle's sons, Paramasivam and Ajith using deadly weapons resulting in them sustaining injuries. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and a false complaint has been given. He would also submit that the petitioner was implicated in this case, since he is the brother of the first accused. He would further submit that the occurrence had taken place on 18.05.2020 and the injured has also been discharged from hospital during the year 2020 itself and now only the petitioner came to know about the pendency of the case and hence, he approached this Court.



4.The learned Government Advocate (crl.side) would submit that it is a case, where, A1 and A2 have brutally assaulted the de-facto complainant in a broad day light on 18.05.2020 and he would submit that the petitioner is the brother of A1 and he would also submit that A1 in this case has been done to death by the de-facto complainant later, in respect of which, a case in Cr.No.465 of 2020 has also been registered by the respondent Police.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thorugokarnam, Pudukottai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/01/2023

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

cmr

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TO

1. THE JUDICIAL MAGISTRATE NO.II, THORUGOKARNAM, PUDUKOTTAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.GANAPATHI SUBRAMANIAN.P, Advocate (SR-318[I] dated
06/01/2023)

ORDER

IN

CRL OP(MD) No.359 of 2023

Date :06/01/2023

RK/BUC/SAR-2 (24/01/2023) 3P/6C