



CRL OP(MD) No.2197 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2197 of 2024

SEVUKARAJA

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 2 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.VENNILA R Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 2 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of
the respondent police for the alleged offence punishable under Sections 294(b), 324
and 506(ii) of I.P.C. in Crime No.2 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that during the Temple festival, the petitioner and other accused persons attacked the *defacto* complainant, due to which, the *defacto* complainant sustained grievous injuries. Thereby, he made a complaint before the respondent Police and the respondent Police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that already the co-accused has been granted bail by the lower Court in Crl.M.P.No.215 of 2024. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that Accused Nos.2 and 3 were arrested and remanded to judicial custody. He would further submit that three previous cases are pending against the petitioner and all are similar in nature. He would further submit that if anticipatory bail is granted to the petitioner herein, it would create trouble in the locality. Hence, he vehemently opposes for grant of anticipatory bail to the petitioner herein,

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been enlarged on bail and in



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view of the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai 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 and on further condition that:

(a).if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c).the petitioner shall report before the respondent Police daily at 10.30 A.M., until further orders;



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(d).the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e).the petitioner shall not abscond either during investigation or trial;

(f).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;

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

sd/-
13/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.



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3 THE INSPECTOR OF POLICE
MADAGUPATTI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.VENNILA, Advocate (SR-1760[I] dated 13/02/2024)

ORDER
IN
CRL OP(MD) No.2197 of 2024
Date :13/02/2024

SS/GS/SAR- /16/02/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023