



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5198 of 2020

1. R.Bala Singam
2. R.Radha Krishnan
3. R.Chelladurai
4. R.Arumugam
5. R.Muthaiah
6. R.Vailet Mary
7. A.Kanimozhi
8. R.Rajammal

... Petitioners/Accused
Nos.1 to 7 & 10

Vs

State Rep.by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.101 of 2020)

... Respondent/Complainant

For Petitioners : M/s.I.Pinaygash,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

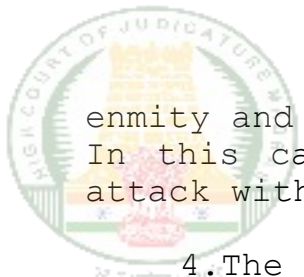
For Anticipatory Bail in Crime No.101 of 2020 on the file of the Respondent Police.

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 147, 148, 294(b), 323, 307, 506(i) and 379 (NP) of IPC and Section 4 of TNPHW in Crime No.101 of 2020, seek anticipatory bail.

2.Heard both sides.

3.It is Case and counter case. The petitioners are victim in the counter case. The occurrence has taken place, due to previous



enmity and election dispute, two groups have indulged in fist fight. In this case one of the victim has sustained head injury due to attack with iron rod.

4.The learned Additional Public Prosecutor would submit that the victim after treatment as inpatient at Rajaji Hospital, Madurai got discharged. It is stated that the accused in the counter case has already been granted bail.

5.The petitioners are members of one family and they have no bad antecedent. Hence, this Court is inclined to grant anticipatory bail to the petitioners on conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.10,000/- and further each of the petitioners shall produce two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned Judicial Magistrate, Periyakulam, Theni District on or before 13.06.2020 and on further condition that:

(a)the petitioners and 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 not tamper with evidence or witness either during investigation or trial;

(c)the petitioners shall not abscond either during investigation or trial;

(d)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;

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

sd/-
14/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION, THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5198 of 2020

Date :14/05/2020

MS/PN/SAR-2/14.05.2020/3P.5C