



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5448 of 2020

1. A.MUTHUVEL

2. ATHMANADAN

... PETITIONERS/ACCUSED NOS.1 & 2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME.NO.168 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Palani,
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.168 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 323, 506(i), 269 and 271 of I.P.C. r/w 51(b) of Disaster Management Act 2005, in Crime No.168 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Based on the complaint given by one Pasupathi, who is the President of Kattumavadi Meenavar Sangam, the respondent police has registered a case for the above said offences.

3.According to the First Information Report, the petitioner services.ecnuls.org/157 services collecting sea-weed from the sea and trading sea-



weed. When that was questioned by the de-facto complainant, the petitioner has abused him and assaulted. Since the incident took place during the lock down period, Sections 269 and 271 of IPC also invoked.

4. The learned counsel appearing for the petitioners would submit that the petitioners are legally carrying on sea-weed business under the name and style of "Swathi Sea Weeds". Due to business rivalry, the de-facto complainant tried to restrain their business and was demanding commission for sea-weed collected from the sea. On the date of the occurrence, there was only wordy quarrel between the de-facto complainant and the petitioner and no untoward incident took place. However, the de-facto complainant with an ulterior motive has given a false complaint against him.

4. Considering the above said submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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.25,000/- each and further the petitioners shall produce two sureties each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate, Aranthangi within one month and on further condition that:

(i) 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;

ii) the petitioners shall report before the respondent police as and when required for interrogation;

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/05/2020

/ TRUE COPY /

/ /2020

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



TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5448 of 2020

Date :26/05/2020

SJI

JM/PN/SAR 3/27.05.2020/3P/5C