



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 02/06/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.5612 of 2020

1. Gunaseelan
2. Samiyappan
3. Kanmani

... Petitioners/Accused No.1 to 3

Vs

State rep. by  
The Inspector of Police,  
Kattuputhur Police Station,  
Trichy District,  
(Crime No.673 of 2020).

... Respondent/Complainant

For Petitioners : M/s. M.Subash Babu,  
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Criminal Side)

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

**PRAYER :-**

For Anticipatory Bail in Crime No.673 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 294(b), 324 and 506(ii) of IPC seek anticipatory bail.

2. The case of prosecution is that on 26.05.2020 due to property dispute these petitioners have attacked the defacto complainant Selvi and one Sarasu with iron rod causing cut injury on the left forearm of Selvi and right wrist of one Sarasu.

3. The learned counsel for the petitioner states that the injured persons were discharged from hospital recently after getting treatment as in patient in the hospital. Due to sudden quarrel between the defacto complainant family and the petitioners both attacked each other and persons from both sides sustained injuries.



Case and Case in counter has been registered by the police. Since the occurrence has taken place out of sudden provocation the petitioners may be granted anticipatory bail and they are ready to co-operate with the enquiry.

4. The learned Government Advocate(Criminal Side) would submit that the petitioners are from Namakkal District, Kidaram Village. They have lands in Thoottiyam Taluk, Trichy District. Due to previous enmity between the petitioners and the neighbouring land owners, on 26.05.2020 there was a quarrel between the parties using deadly weapons. The second petitioner sustained head injuries at the hands of the defacto complainant. Sarasu and Selvi sustained cut injuries in their fore arm and wrist at the hands of the petitioners. Complaint from the injured persons were registered while they were taking treatment as inpatient in the hospital. Injured persons on either side were discharged on 31.05.2020.

5. Taking note of the facts submitted by the learned counsel for the petitioner and the learned Government Advocate(Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

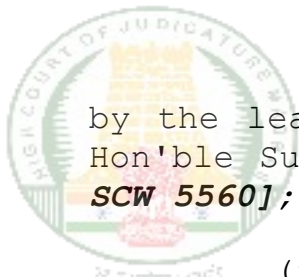
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Thanjavur and report before the Thanjavur Town police station daily at 10.30 a.m until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;

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

sd/-

02/06/2020

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

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,  
MUSIRI.
2. DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,  
KATTUPUTHUR POLICE STATION,  
TRICHY DISTRICT.
4. THE INSPECTOR OF POLICE,  
THANJAVUR TOWN POLICE STATION,  
THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.M.SUBASH BABU, Advocate ( SR-5737[I] dated 03/06/2020 )

ORDER

IN

CRL OP(MD) No.5612 of 2020

Date :02/06/2020

AAV

<https://hcservices.ecourts.gov.in/hcservices/>

SRS/ VR/ SAR-11/ 03.06.2020/ 3P/7C