



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5638 of 2020

1. Anilkumar @ Pavitran
 2. Chellathai @ Chellayi
 3. Paramasivam
 4. Kural Rajan @ Kuralairajan
- ... Petitioners/Accused No.2to4 and 6

Vs

The State Rep. By
The Inspector of Police,
Watrap Police Station,
Virudhunagar District,
Cr. No. 411 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Pr.Boomee Rajan,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

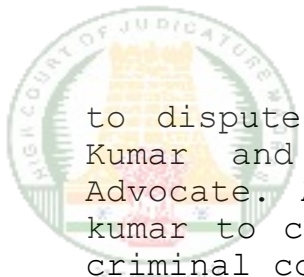
PRAYER :-

For Anticipatory Bail in Crime No. 411 of 2020 on 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),341, 324, 506(ii) and 307 of IPC seek anticipatory
bail.

2. Complaint given by one Muthukumar alleging that the
respondent police in and two others attacked him with wooden log due
<https://hccservices.mca.gov.in/hccservices/>



to dispute between them regarding compromise entered between Anil Kumar and his wife. The defacto complainant is a practicing Advocate. According to him complaint, he insisted his client Anil kumar to comply with the undertaking given to the police in the criminal complaint of dowry harassment. Infuriated by his advice the petitioners attacked him with wooden log and aruval.

3. The learned counsel for the petitioners would submit that there was wordy quarrel and not physical attack. He would also submit that second petitioner herein who is the third accused in the complaint was arrested by the respondent police. Therefore anticipatory bail is not pressed as far the second petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant sustained injuries on his right foot and peel off skin over the foot. Abrasions were found on the right thumb and flanks. Contusion over right and left fore arm. Injuries sustained by the defacto complainant are simple and the defacto complainant was treated as out patient.

5. Taking note of the fact that out of six accused three were arrested and the injured person was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners 1,3 and 4 with certain conditions.

6. Accordingly, the petitioners 1,3 and 4 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 No.I, Srivilliputhur, Virudhunagar District on condition that the petitioners 1,3 and 4 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:

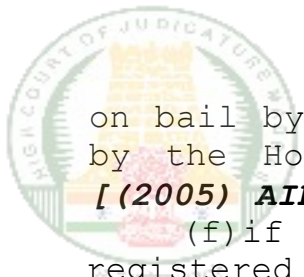
(a) the petitioners 1,3 and 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1,3 and 4 shall report before the respondent police daily at 10.30 a.m until further orders

(c) the petitioners 1,3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 1,3 and 4 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 1,3 and 4 in accordance with law as if the conditions had been imposed and the petitioners 1,3 and 4 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.

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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 JUDICAIL MAGISTRATE NO.I,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 2 -DO- THRO THE CHEIF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PR.BOOMEERAJAN Advocate SR.No.5761

ORDER
IN
CRL OP(MD) No.5638 of 2020
Date :04/06/2020

PD/JC/SAR 2/05.06.2020/3P/6C