



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/07/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6804 of 2020

1. A.Golden
2. K.Babiston
3. V.Xavier

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
Crime No. 275 of 2020.

... Respondent/Complainant

For Petitioners: M/s.M.Maran, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

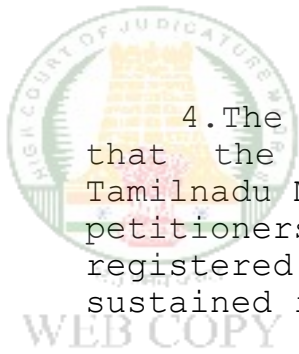
To Anticipatory Bail in Cr.No.275 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 323 and 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.275 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running an organization viz., Tamilnadu Meenavar Makkal Katchi. The petitioners compelled the defacto complainant's husband to join their organization, but the defacto complainant's husband refused the request of the petitioners. Due to the previous enmity, the petitioners attacked the defacto complainant's husband with plastic chair. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the first petitioner was running an organization viz., Tamilnadu Meenavar Makkal Katchi. Due to previous enmity between the petitioners and the defacto complainant, a false case has been registered against the petitioners. He further submitted that no one sustained injury. Hence, he seek anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that due to previous enmity the petitioners attacked the defacto complainant's husband with a plastic chair. No one sustained injury.

6.Considering the fact and circumstances of the case and no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Thoothukudi, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

06/07/2020

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/ /2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALAMUTHUNAGAR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6804 of 2020
Date :06/07/2020

MS/PN/SAR-3/07.07.2020/3P.5C