



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7037 of 2020

1. Peramayya
2. Senthil @ Senthilkumar
3. Ragu
4. Sudha

... Petitioners/Accused Nos.1 to 4

Vs

State rep.by
The Sub Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(In Crime No. 353 of 2020) .

... Respondent

Rethinam

... Petitioner / Defacto Complainant
in CrI.MP(MD)No.3593/2020 in
CrI.OP(MD(No) 7037 of 2020

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (CrI.Side)

For Intervenor : Mr.C.Deepak

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

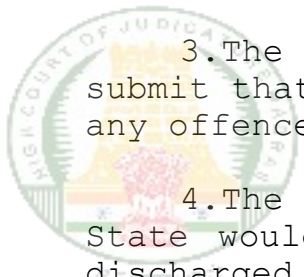
PRAYER :-

For Anticipatory Bail in Crime No. 353 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners are figuring as accused Nos.1 to 4 in Crime
No.353 of 2020, on the file of the respondent police for the
offences punishable under Sections 294(b), 324 and 506(ii) of IPC
and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act
1998.

2.The case of the prosecution is that the petitioners and the
de-facto complainant are neighbors. Due to some civil dispute, there
was a wordy quarrel arose between them. On that motive, the
petitioners are said to have attacked the de-facto complainant and
others with stick and caused injuries.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured person in this case has been discharged from the hospital.

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5.Considering the facts and circumstances of the case and also considering the fact that the injured person in this case has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranur, Pudukkottai District, on condition that the petitioners shall execute 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 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 report before the respondent police as and when required for interrogation;

(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;

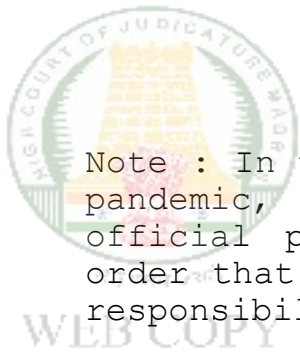
(f)if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/07/2020

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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 concerned.

TO

1. The Judicial Magistrate, Keeranur,
Pudukkottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Sub Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7037 of 2020
Date : 22/07/2020

SMA/RSK/SAR-II/27/07/2020/3P/5C