



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7577 of 2020

1. P.Vijayasankar,
2. V.Aathinarayanan,
3. V.Vaikunth,
4. V.Sridhar,

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
Crime No.179/2020.

... Respondent/Complainant

For Petitioners : Mr.V.M.Jegadeesha Pandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.179 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.179 of 2020, on the file of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of I.P.C.

2.The case of the prosecution is that due to previous enmity, on the date of occurrence, when the de-facto complainant was measuring the land in survey, the petitioners quarrelled with him and attacked the de-facto complainant with beer bottle on his head and also caused serious injury. Hence, a case has been registered.



3.The learned counsel appearing for the petitioners would submit that there was a civil dispute between the parties and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioners are notorious elements and A-1 is having eight previous cases and A-2 to A-4 are the sons of A-1. On the date of occurrence, when the de-facto complainant was measuring the land, the petitioners quarrelled with him and attacked the de-facto complainant with beer bottle on his head and caused injuries.

5.It is seen that the petitioners quarrelled with the de-facto complainant and A-1 attacked the de-facto complainant with beer bottle and caused injury and he is also having eight previous cases.

6.So far as A-2 to A-4 are concerned, they also abused only the de-facto complainant with filthy language.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners A-2 to A-4 with certain conditions. Accordingly, the petitioners/A-2 to A-4 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, Thiruchendur, Thoothukudi District, on condition that the petitioners/A-2 to A-4 shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two common 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:

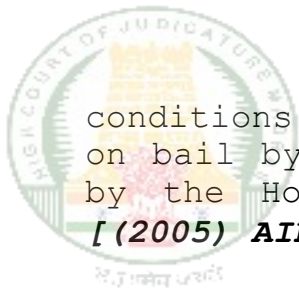
(a)the petitioners/A-2 to A-4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners/A-2 to A-4 shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., until further orders;

(c)the petitioners/A-2 to A-4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners/A-2 to A-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/A-2 to A-4 in accordance with law as if the



conditions have been imposed and the petitioners/A-2 to A-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 petitioners/A-2 to A-4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8.As regards the first petitioner, since he is having eight previous cases, this Criminal Original Petition stands dismissed.

sd/-
24/07/2020

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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, TIRUCHENDUR.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7577 of 2020
Date :24/07/2020

SJI
AE/PN/SAR-III (28.07.2020) 3P 5C