



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7724 of 2020

1. Thanga Selvam
2. Rangesh
3. Kumaresan
4. Silambarasan
5. Alagarsamy
6. Siva Chandran
7. Gubendran
8. Chelldurai
9. Jeyakumar
10. Pandian[Auto] @ Pandian

... Petitioners/
Accused Nos.1, 2, 5, 12,
14, 20, 24, 27, 28 & 34

Vs

State Rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(in Crime No.393 of 2020)

... Respondent/Complainant

For Petitioners : Mr.M.S.Jeyakarthik,
Advocate.

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

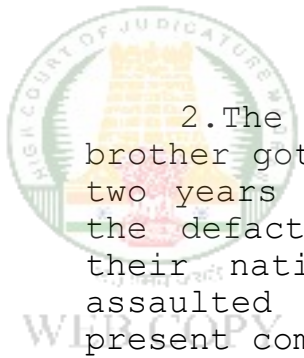
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To Anticipatory Bail in Cr.No. 393 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 2, 5, 12, 14, 20, 24, 27, 28 and 34, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 323 and 506(i) of IPC, in Crime No.393 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant's brother got married to a girl, hails from the petitioners' community two years ago and it is an intercaste marriage. After a long time, the defacto complainant's brother and his wife returned back to their native at that time the petitioners were said to have assaulted the defacto complainant and caused injury. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

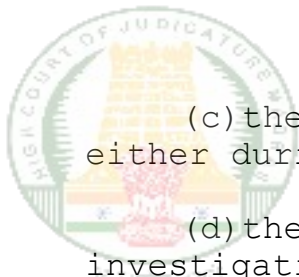
5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the marriage took place two years ago. He further submitted there was a quarrel with regard to the prior incident, for which, the occurrence said to have taken place. He further submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the marriage took place in two years ago and there was a quarrel with regard to the prior incident, for which, the occurrence said to have taken place and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners should not threaten the defacto complainant and his family members in future.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, 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 <https://hsevents.gov.in/hsevents> 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;

WEB COPY (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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

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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, NILAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.7724 of 2020
Date :28/07/2020