



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7790 of 2020

1. THIRUSELVAM
2. SELVAM
3. CHELLDURAI
4. SARAVANAN @ MANGAN
5. JAGADESH
6. VIGNESH

... PETITIONERS/
ACCUSED NO.1 TO 4, 6 & 7

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO. 217 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.C.Senthil Murugan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 217 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to 4, 6 and 7, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147,148,294(b), 323,324, 307 of IPC and Section 3 of TNPPDL
Act, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that while taking bath in a
<https://hcrs.csls.gov.in/hcrs/CaseDetails.aspx?CaseNo=7790> tank there was a wordy quarrel between the petitioner



group and the defacto complainant group, due to which the petitioners are said to have attacked the defacto complainant and two others and caused injuries.

4. The learned counsel for the petitioners would submit that due to some wordy quarrel between two groups the occurrence is said to have taken place. He would also submit that it is a case and counter case. He would also submit in respect of very same incident another First Information Report has been registered and the petitioners have also given complaint against the defacto complainant/injured. He would also submit that injured person was also discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and due to some wordy quarrel between two groups the occurrence is said to have taken place. He would also submit that injured person was also discharged from the hospital and no tension is prevailing in that locality. He would also submit that sixth petitioner /A7 was arrested by the respondent police.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place due to wordy quarrel and also the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1 to 5 alone with certain conditions.

7. Accordingly, the petitioners 1 to 5 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 No.I, Ramanathapuram on condition that the petitioners 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 to 5 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 to 5 shall report before the respondent police once in a week on every Monday at 10.30 am until further orders.

(c)the petitioners 1 to 5 shall not tamper with evidence or witness either during investigation or trial;



(d)the petitioners 1 to 5 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 to 5 in accordance with law as if the conditions have been imposed and the petitioners 1 to 5 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.

8. As regards the sixth petitioner/A7 is concerned, since he was arrested by the respondent police the petition stands dismissed in respect of Sixth petitioner/A7 alone.

sd/-
29/07/2020

/ TRUE COPY /

/ /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 NO.I,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7790 of 2020
Date :29/07/2020

AAV

<https://hcservices.mca.gov.in/hcservices>
01/07/2020 2/30.07.2020/3P/5C