



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7900 of 2020

GANESAN

... PETITIONER/ACCUSED NO.4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 287 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.R.Laxman,
Advocate.

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

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

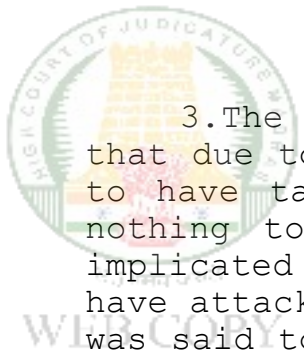
PRAYER :-

For Anticipatory Bail in Crime No. 287 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Totally there are four accused in this case. The petitioner is figuring as accused No.4 in Crime No.287 of 2020, on the file of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 307 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The case of the prosecution is that the defacto complainant and the father of A1 to A3 are brothers. On the date of occurrence, due to civil dispute between them, the petitioner said to have identified the injured person and A1 to A3 were said to have attacked the injured person and caused serious injuries. The injured person is the wife of the defacto complainant. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that due to civil dispute between two brothers, the occurrence said to have taken place. He further submitted that the petitioner is nothing to do with the alleged offence and he has been falsely implicated in this case. Even as per the FIR, A1 to A3 were said to have attacked the wife of the defacto complainant and the petitioner was said to have identified the defacto complainant only. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to civil dispute between two brothers, A1 to A3 were said to have attacked the defacto complainant's wife and caused serious injuries and the petitioner also went along with other accused persons and identified the victim/defacto complainant's wife. He further submitted that the injured person is still taking treatment in the hospital.

5.Considering the facts and circumstances of the case and also considering the rival submission and on perusal of the materials, it is seen that there was a civil dispute between the defacto complainant and the father of A1 to A3, due to which, the occurrence said to have taken place, insofar as the petitioner is concerned, there is no overt act attributed against him, and also considering the fact that A1 to A3 alone attacked the victim and the petitioner only identified the victim and also the fact that A1 and A2 were already arrested and remanded to judicial custody, in view of the above circumstances, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2020

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

ORDER
IN
CRL OP(MD) No.7900 of 2020
Date :31/07/2020

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JM/VR/SAR 3/04.08.2020/3P/5C

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