



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8380 of 2020

1. S.Mohan
2. S.Rajamanickam
3. Arivazhagan
4. Ajith Kumar
5. V.Subbaiah
6. Veerasekaran

... Petitioners/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.
(In Crime No.479/2020).

... Respondent/Complainant

For Petitioner : M/s. A.P.Balsubramanian,
Advocate.

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

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

PRAYER :-

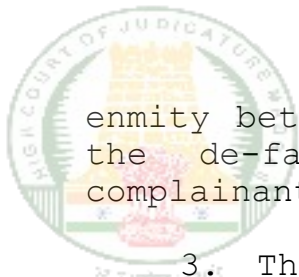
For Anticipatory Bail in Crime No.479/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 324, 323, 427 and 506(ii) of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.479 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the previous

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enmity between the parties, on 04.08.2020, the petitioners went to the de-facto complainant's house and attacked the de-facto complainant with aruval and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the third petitioner parked his vehicle in front of his house, at that time, the de-facto complainant and two others attacked the third petitioner and abused him with filthy language. In this regard, the third petitioner given a complaint against the de-facto complainant in Crime No.478 of 2020 by the respondent police and the same was pending investigation.

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

5. Considering the facts and circumstances of the case and also considering the fact that the injured persons in this case have been discharged from the hospital, I am 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, Aranthangi, 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 5560J; and;

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

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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,
ARANTHANGI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.AP..BALASURAMANIAN, Advocate (SR-5949[I] dated 13/08/2020)

ORDER
IN
CRL OP(MD) No.8380 of 2020
Date :12/08/2020

SJI
SRS/ VR/ SAR-II/ 14.08.2020/ 3P/6C