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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8436 of 2020

1. Natesan
2. Jeyaprakash
3. Sudhakar
4. Prabhakaran
5. Sellaiah
6. Ganapathy

... Petitioners/Accused
Nos.1,2,6,8,10 & 13

Vs

The State Rep. by
The Inspector of Police,
K.Pudupatty Police Station,
K.Pudupatty,
Pudukkottai District
(In Crime No. 239 of 2020).

... Respondent/Complainant

For Petitioners : M/s.N.Tamilmani,
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.239 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Totally there are 13 accused in this case. The petitioners are arrayed as Accused Nos.1,2, 6, 8, 10 and 13 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 of I.P.C. and Section 4 of TNPH Act and Section 51(b) of Disaster Management Act, seek anticipatory bail.



2.The petitioners and the defacto complainant belongs to same village. The case of the prosecution is that earlier there was case registered regarding posting fake messages in the face book. Due to which on the date of occurrence the accused persons is said to have attacked the defacto complainant and caused injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that this is a case of case in counter. He would further submit that on the date of occurrence, A-1 asked one Thennarasu regarding who posted a fake message in face book, due to which, both of them attacked each other and also caused injuries. He would also submit that the injured was also discharged from the hospital.

4.The learned Government Advocate(Crl.Side) would submit that group of people were fighting with each other with deadly weapons, in which, six persons sustained injuries on the side of the petitioners and two persons on the side of the de-facto complainant sustained injuries. He would further submit that tension is prevailing in that area.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case of case in counter and 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, Thirumayam, Pudukkottai District, 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:

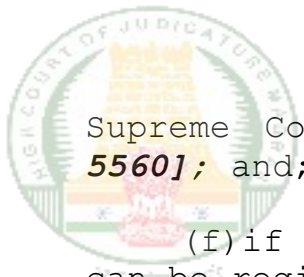
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall stay at Madurai and report before the Anna Nagar Police Station daily at 10.30 a.m., until further orders;

(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 5560]**; and;

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

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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,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
K.PUDUPATTY,
PUDUKKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-5972[I] dated 17/08/2020)

ORDER IN
CRL OP(MD) No.8436 of 2020
Date :14/08/2020