



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8636 of 2020

1.Ravi
2.Nagaraaj

... Petitioner/Accused
Nos.3 and 4

Vs

The State rep.by
The Inspector of Police,
Illupur Police Station,
Pudukkottai District.
Crime No.171/2020.

... Respondent/Complainant

For Petitioners : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

For Anticipatory Bail in Crime No.171/2020 on the file of the
Respondent police

ORDER : The Court made the following order :-

The petitioners/A3 and A4 , who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
147,148,341, 294(b),323 and 307 of IPC, seek anticipatory bail.

2. Heard both sides.

3. There are totally five accused in this case. The petitioners
herein are arrayed as A3 and A4. The case of the prosecution is that
there was pooja in the village temple and during that time the
petitioners herein waylaid the defacto complainant and all the
accused persons attacked the injured with aruval and stick and
caused injuries.

4. The learned counsel for the petitioners would submit that
the petitioners are innocent and they have been falsely implicated
in this case. He would also submit that both the petitioners and the



defacto complainant are close relatives and now the injured was also discharged from the hospital. He would also submit that only A1 and A2 attacked the injured with aruval and this petitioner only attacked the injured with stick on his back.

5. The learned Government Advocate(Crl.Side) would submit that there was pooja in the village temple and during that time the petitioners herein waylaid the defacto complainant and all the accused persons attacked the injured with aruval and stick and caused injuries and A1 and A2 in this case is still absconding.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that that incident would have occurred due to wordy quarrel and the petitioners herein only attacked the injured with stick on his back and also the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 District Munsif cum Judicial Magistrate,Ilupur 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 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**



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

sd/-
19/08/2020

WEB COPY

/ TRUE COPY /

/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR.
- 2.DO THROUGHT THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ILLUPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8636 of 2020
Date :19/08/2020

AAV
TK/PN/SAR.3/21.08.2020/3P/5C