



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

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8965 of 2020

1. Ganesan
2. Shanmugam
3. Vigneshwaran
4. Karthick
5. Velu @ Velavan
6. Balasubramanian
7. Balamurugan

... Petitioners/Accused No.1 to 7

Vs

State rep.by,
The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.232/2020).

... Respondent/Complainant

For Petitioners: Mr.C.Muthu Saravanan,
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.232/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A1 to A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 324 and 307 of IPC, in Crime No.232 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there are two groups in the village. Due to previous motive, a wordy quarrel arose between the petitioners and the defacto complainants, the petitioners said to have attacked the defacto complainants with bottles and beaten them. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that it is a case in counter, earlier the defacto complainant attacked the petitioners, hence, they have given a complaint against them and the same was registered in Crime No.233 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. On counter blast, the present complaint has been filed. He further submitted that the injured persons have already been discharged from the hospital and hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is a case in counter and the injured persons have already been discharged from the hospital. He further submitted that in a counter case, the accused have been granted anticipatory bail by this Court in Crl.O.P.(MD).No.8708 of 2020, dated 24.08.2020.

6. Considering the fact and circumstances of the case and considering the fact that it is a case in counter and the injured persons have already been discharged from the hospital and in a counter case, the accused have been granted anticipatory bail by this Court in Crl.O.P.(MD).No.8708 of 2020, dated 24.08.2020, 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 Judicial Magistrate, Thiruvadanai, Ramanathapuram District, 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 5560]; and;

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

sd/-
27/08/2020

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

ORDER
IN
CRL OP(MD) No.8965 of 2020
Date : 27/08/2020

VSG
PK/AKM/SAR-2/01.09.2020 : 3P/5C