



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9260 of 2020

1. P.Marimuthu
2. Anthony
3. Saravanakumar @ Ajay

... Petitioners/Accused
Nos.2,3&7

Vs

The State Rep. by
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Cr.No. 336 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Prabha,
Advocate.

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

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

PRAYER :-

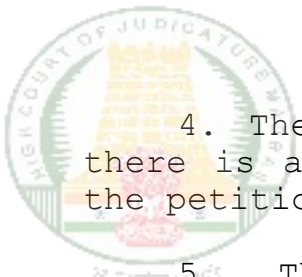
For Anticipatory Bail in Cr.No.336 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2,3 and 7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),448,307,323,324,326 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that there was a dispute in respect of purchasing a property between A1 and the defacto complainant and there was frequent quarrel between them. On the date of occurrence A1 along with these petitioners went of the hotel run by the defacto complainant and attacked him with aruval and caused injuries and also criminally intimidated him.



4. The learned counsel for the petitioners would submit that there is a motive between A1 and the defacto complainant only and the petitioners herein have been falsely implicated in this case.

5. The learned Government Advocate (Crl.Side) would submit that there is civil dispute pending between A1 and the defacto complainant, for which A1 along with these petitioners went of the hotel run by the defacto complainant and attacked him with aruval and caused injuries and also criminally intimidated him. He would also submit that A1 in this case was arrested and remanded to judicial custody and the injured person was discharged from the hospital

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners herein only accompanied with A1 at the time of occurrence and also the fact that 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 Judicial Magistrate No.II, Sattur, Virudhunagar 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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
09/09/2020

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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,
SATTUR, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.PRABHA, Advocate (SR-6361[I] dated 10/09/2020)

ORDER
IN
CRL OP(MD) No.9260 of 2020
Date :09/09/2020

AAV
TE/AKM/SAR-IV : 11/09/2020 : 3P/6C