



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9539 of 2020

1. N.Boominathan
2. Ajithkumar
3. S.Muhesh
4. Sathis @ Sathiskumar
5. K.Sembulingam

... Petitioners/
Accused Nos.5,8,11,13&16

Vs

The State rep. by
The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.
Crime No.279/2020.

... Respondent/Complainant

For Petitioners : M/s.Niranjana S.Kumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

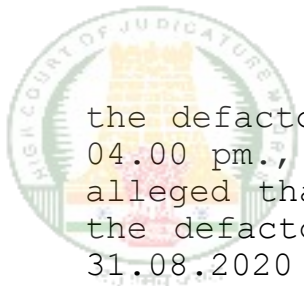
For Anticipatory Bail in Crime No.279/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A5,8,11,13 and 16, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 427, 294(b),323,324,307 of IPC and Section 5 of Explosive Substance Act,1908 seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 30.08.2020 at about 03.30 pm., there was a wordy altercation between the defacto complainant and A1 and A2 in this case, in which the petitioners said to have attacked the defacto complainant and caused injuries. Based on the complaint given crime was registered on 31.08.2020. In retaliation to the same all the accused persons went to the house of



the defacto complainant with weapons and caused injuries at about 04.00 pm., on the very same day. On the same day thereafter it is alleged that some one has thrown petrol bomb inside the house of the defacto complainant hence the complaint has been registered on 31.08.2020 at 7.00 pm.,

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4. The learned counsel for the petitioners would submit that it is a case and case in counter. Earlier some of the petitioners in the present case has been attacked by the defacto complainant . Hence on the complaint given by him a case has been registered in Crime No. 278 of 2020. As a counter blast the present case has been registered against the petitioner. He would also submit that some of the accused were granted anticipatory bail and the injured person was also discharged from the hospital. He would also submit that even though the occurrence said to have taken place on 30.08.2020 the First Information Report has been registered on 31.08.2020 at 7.00 pm., which clearly reveals that the it is a false case. Hence they may be granted anticipatory bail.

5. The learned Government Advocate(Criminal Side) would submit that it is a case and case in counter. Earlier A1 to A3 attacked the defacto complainant and a crime has been registered and in retaliation the present occurrence has taken place. He would also submit that the injured 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 occurrence is said to have taken place in wordy quarrel and also taking note of the fact that the some of the co-accused were granted anticipatory bail by this Court 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 Judicial Magistrate, Thirumayam, Pudukottai 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;

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(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.

sd/-

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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,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.9539 of 2020

Date :10/09/2020

AAV

SRS/ PN/ SAR-III/ 14.09.2020/ 3P/5C

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