



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9637 of 2020

1.RAJENDRAN
2.PACKIYARAJ
3.BHARATHIRAJA
4.YOGARAJA
5.KALIAMMAL

... PETITIONERS/ACCUSED RANK NOT KNOWN

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
EMBAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. NOT KNOWN OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Sevugaraja,
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. Not known of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No. Rank Not Known, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 506(i) of IPC and Section 4 of Women Harassment Act, in Crime No. Not known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives. Due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners said to have attacked the complainant with hands. Hence, the present 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 and they have been falsely implicated in this case. Hence, he seek anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the first petitioner is not arrayed as an accused in this case and other petitioners 2 to 5 and the defacto complaint are close relatives. Due to civil dispute, there was a wordy quarrel between the petitioners 2 to 5 and the defacto complainant, in which, the petitioners 2 to 5 have attacked the defacto complainant with hands and iron rod.

6. Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and the petitioners and the defacto complainant are the close relatives, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions and this petition against the first petitioner is dismissed.

7. Accordingly, the petitioners 2 to 5 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, Aranthangi, Pudukkottai 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 2 to 5 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 2 to 5 are shall report before the respondent police as and when required for interrogation;

(c) the petitioners 2 to 5 are shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 are 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 2 to 5 in accordance with law as if the conditions had been imposed and the petitioners 2 to 5 are 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 2 to 5 are thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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/ /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,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
EMBAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9637 of 2020
Date :11/09/2020

vsd
JM/AKM/SAR II/15.09.2020/3P/5C