



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

Date : 22/09/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9679 of 2020

1. Manikandan
S/o.Balasubramanian
2. Senthil
3. Arunkumar
4. Meenakshi Sundaram
5. Kunjaram
6. Manikandan
S/o, Muthukumar @ Muthudurai

7. Balamurugan
8. Rajadurai
9. Sivakumar
10. Ramachandran
11. Karuppaiah
12. Chidambaram
13. Raja
14. Aravind
15. Muthukaruppan
16. Naveenkumar
17. Jeevanandhan
18. Vinayagamoorthy

... Petitioners/Accused

Vs

State : rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District
Crime No. 1106 of 2020.

... Respondent/Complainant

For Petitioners : Mr.B.Anandan,
Advocate.

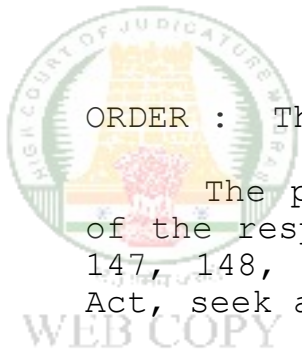
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1106 of 2020 on the file of
the Respondent Police

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court made the following order :-

The petitioners/A1 to A 18, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 427, 448, 324, 307, 506(ii) of IPC and Section 4 of TNPHW Act, seek anticipatory bail.

2. Heard both sides.

3. There are totally 23 accused in this case and the petitioners herein is arrayed as A1 to A18. The case of the prosecution is that there was a election dispute between the petitioners group and the defacto complainant group, due to which on the date of occurrence the petitioners along with other accused persons trespassed into the house of the defacto complainant, attacked him with wooden log and also caused damage to the house of the defacto complainant. Hence the complaint.

4. The learned counsel for the petitioners would submit that in an election there was a dispute between two groups for which the petitioners have been falsely implicated in this case. He would also submit that the injured was discharged from the hospital.

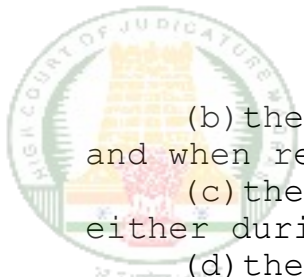
5. The learned Government Advocate (Crl.Side) would submit that due to election dispute the petitioners along with other accused persons trespassed into the house of the defacto complainant, attacked him with wooden log and also caused damage to the house of the defacto complainant. He would also submit that the injured was also discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that due to election motive the occurrence is said to have taken place in a wordy quarrel 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, Pattukottai on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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

<https://hdservicescourts.gov.in/hdservices/> 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/09/2020

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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, PATTUKOTTAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9679 of 2020

Date : 22/09/2020

AAV

AE/JC/SAR-I (24.09.2020) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>