



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9799 of 2020

1. Arunagiri
2. Murugan
3. Acchanna
4. Subburaj
5. Gurusamy
6. Manoharan

... Petitioners/Accused 1 to 6

Vs

State rep.by
The Inspector of Police,
Kadambur Police Station,
Tuticorin District.
(Crime No.88 of 2020).

... Respondent/Complainant

For Petitioners : Mr.S.Ravi,
Advocate.

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

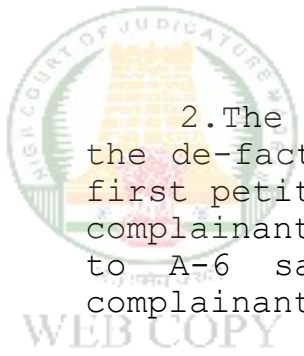
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.88 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioners' second anticipatory bail application. The petitioners, who are arrayed as Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 355, 427 and 506(ii) of I.P.C., in Crime No.88 of 2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that in a funeral ceremony, the de-facto complainant was sitting in the chair, at the time, the first petitioner herein questioned the same and scolded the de-facto complainant and he left the place. Later on, the other accused A-2 to A-6 said to have attacked him and stripped the de-facto complainant naked and also caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that due to civil dispute between the parties, the de-facto complainant gave a false complaint against the petitioners before the respondent police. In fact, no such occurrence was taken place.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioners said to have attacked the de-facto complainant and asked him to give respect to them. He would further submit that the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that A-1 to A-6 said to have attacked the de-facto complainant with hand and asked him to give respect to them and thereafter A-4 said to have scolded the de-facto complainant and abused him with filthy language, now the injured person in this case has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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, Kovilpatti, Tuticorin District, 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 to ensure their identity;

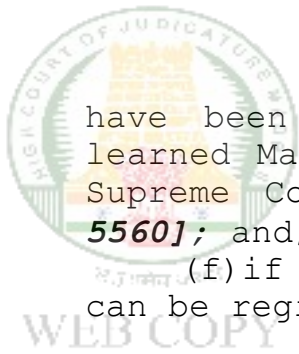
(b)the petitioners shall report before the respondent police daily at 10.00 a.m for a period of four weeks, and thereafter as and when required for interrogation;

(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

<https://hccsreports.dhcc/hccsreports/> 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/09/2020

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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 NO.II,
KOVILPATTI, TUTICORIN DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KADAMBUR POLICE STATION, TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9799 of 2020
Date :15/09/2020

sjj
AE/PN/SAR-III (18.09.2020) 3P 5C