



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9657 of 2020

1.B.Duraipandi
2.M.Ramakrishnan

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No.473 of 2020.

... Respondent/Complainant

Anandamurugan

...Petitioner/Intervener?
Defacto Complainant

in CRL MP(MD)No.4592 of 2020 in
CRL OP(MD)No.9657 of 2020

For Petitioners: Mr.K.Sathish Kumar, Advocate.
For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)
For Intervener : Mr.C.Mayilvahana Rajendran, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.473 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 324 and 506(ii) of IPC, in Crime No.473 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners said to have abused the defacto complainant by using filthy language and also attacked him with iron rod and caused injuries. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

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. He further submitted that it is a case in counter, earlier the petitioners were attacked by the defacto complainant and hence, they have given a complaint against him and the same was registered in Crime No.472 of 2020. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener submitted that due to previous enmity, the defacto complainant was attacked by the petitioners. Thereafter, the defacto complainant was admitted in the hospital. He further submitted that in order to harass the defacto complainant, a counter complaint has been filed by the petitioner.

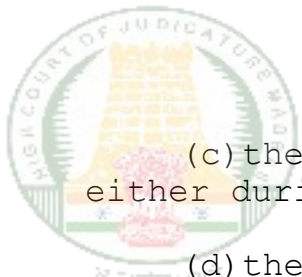
6. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital.

7. Considering the facts and circumstances of the case and also considering the fact that due to previous enmity, the occurrence said to have taken place and it is a case in counter and in this case the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Paramakudi, Ramanathapuram 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 as <https://helpline.mca.gov.in/helpline/> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2020

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.9657 of 2020
Date :21/09/2020

VSG
TK/PN/SAR.1/25.09.2020/3P/5C

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