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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.9758 of 2020**

1. Selvaraj
2. Baskar
3. Sanjai
4. Thirumaran

... Petitioners/Accused Nos.1 to 4

Vs

State through  
The Inspector of Police,  
Palaviduthi Police Station,  
Karur District.  
(Crime No. 272 of 2020).

... Respondent

For Petitioners : Mr.K.M.Karunakaran,  
Advocate.

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

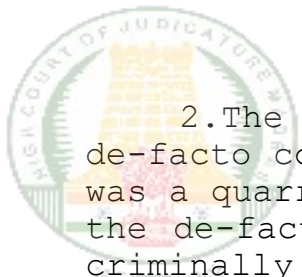
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For an Anticipatory Bail in Crime No.272 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4 herein were apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323, 324 and 506(ii) of I.P.C. and 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.272 of 2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and the de-facto complainant belonged to the same village and earlier, there was a quarrel between the parties, in which, the petitioners waylaid the de-facto complainant and attacked her with wooden log and also criminally intimidated her. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that this is a case in counter. Earlier, the de-facto complainant attacked the petitioners and his family members and the petitioners also given a complaint before the respondent police and the same is yet to be registered and pending enquiry.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that due to some previous enmity between the parties, the petitioners said to have attacked the de-facto complainant with wooden log and also criminally intimidated her. 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 this is a case in counter and the occurrence said to have taken place in a wordy quarrel and 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, Kulithalai, Karur 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 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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15/09/2020

/ 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,  
KULITHALAI, KARUR DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
PALAVIDUTHI POLICE STATION, KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9758 of 2020  
Date :15/09/2020

sjj  
AE/AKM/SAR-IV (17.09.2020) 3P 5C