



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

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9806 of 2020

Arunachalam

... Petitioner/Accused 23

Vs

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

... Respondent/Complainant

For Petitioner : 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 :-

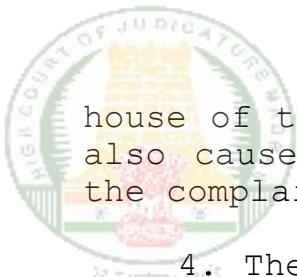
For Anticipatory Bail in Crime No.1106/2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A23, 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 petitioner herein is arrayed as A23. The case of the prosecution is that there was an election dispute between the petitioner group and the defacto complainant group, due to which on the date of occurrence the petitioner 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 petitioner would submit that in an election there was a dispute between two groups for which the petitioner has 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 petitioner 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 petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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 petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 petitioner 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;

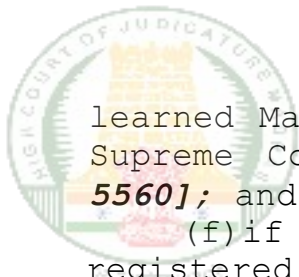
(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions

have been breached and the petitioner 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.

WEB COPY

sd/-
22/09/2020

/ 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, 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.9806 of 2020
Date : 22/09/2020

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