



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9882 of 2020

1. S.PONMUDI
2. MOHAN @ S.RAJMOHAN
3. R.BALAMURUGAN
4. MANIKANDAN

... PETITIONERS/ACCUSED NO.1 TO 4

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 402 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Krishnaveni,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No. 402 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 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 363, 323 and 506(ii) of IPC, in Crime No.402 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are four accused in this case. The case of the prosecution is that the defacto complainant is the land broker. The defacto complainant said to have sold the property belongs to father-in-law of the first petitioner without knowledge of the wife of the first petitioner. Due to which, the petitioners said to have waylaid the defacto complainant and abused the defacto complainant by using filthy language and also attacked him with hands and caused



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

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. He further submitted that the defacto complainant sold the property without knowledge of the wife of the first petitioner. When the same was questioned by the petitioners, the petitioners have been falsely implicated in this case. He further submitted the injured sustained only simple injury and he was treated as out patient. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioners said to have waylaid the defacto complainant and abused the defacto complainant by using filthy language and also attacked him with hands and caused injuries. Hence, the crime has been registered. However, the injured sustained only simple injury and he was treated as out patient.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the defacto complainant said to have sold the property without knowledge of the first petitioner. Considering the above circumstances and the fact that due to civil dispute between the parties, the occurrence said to have taken place and the injured sustained only simple injury and he was treated as out patient, 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, Karaikudi, Sivagangai 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 and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness service court in his services 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,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9882 of 2020

Date : 21/09/2020

vsg

JM/VR/SAR II/25.09.2020/3P/5C