



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

Date : 30/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10568 of 2020

1. Nanthishkumar
2. Nanthispandi
3. Senthil
4. Sevugan
5. Murugan
6. Pandi
7. Mookammal W/o.Pandi
8. Mookammal W/o.Malaisamy

... Petitioners/A1 to A3,
A5 to A7 and A10 and A12

Vs

The State rep.by,
The Inspector of Police,
Keelavalavu Police Station,
Keelavalavu, Melur Taluk,
Madurai District.
(Cr No.1338/2020).

... Respondent/Complainant

For Petitioners : M/s.S.Krishnan,
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 Cr No.1338 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to 3, 5 to 7,10 and 12, who apprehend
arrest at the hands of the respondent police for the offences
punishable under Sections 147, 148, 294(b), 323, 324, 448, 427,
341, 342, 307, 506(ii) of IPC and Section 3 of TNPPDL Act, seek
anticipatory bail.



2. Heard both sides.

3. The case of the prosecution is that due to previous enmity between A4 and the defacto complainant, the petitioners herein said to have attacked the defacto complainant and caused injuries. Hence the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that some of the accused were arrested and released on bail and the injured was discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that due to previous enmity between A4 and the defacto complainant, the petitioners herein said to have attacked the defacto complainant and caused injuries. He would also submit that some of the accused were arrested and released on bail and the injured was discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that 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 and arrested persons were released on bail, 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, Melur 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2020

/ 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, MELUR, MADURAI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
3. THE INSPECTOR OF POLICE, KEELAVALAVU POLICE STATION,
KEELAVALAVU, MELUR TALUK, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10568 of 2020
Date : 30/09/2020

AAV
PK/AKM/SAR-2/05.10.2020 : 3P/5C