



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10760 of 2020

1. M.Natarajan
2. Vellaiyammal

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by its
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
(Crime No.474 of 2020).

... Respondent/Complainant

For Petitioners : M/s.AN.Ramanathan,
Advocate.

For Respondent : Ms.M. Anandhi Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.P. Gunasekaran

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

PRAYER :- For an Anticipatory Bail in Crime No.474 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323 and 506(i) of IPC, in Crime No.474 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Doctor who is running a clinic at Ponnamaravathi and the second petitioner is employee working under the defacto complainant. In a wordy quarrel, the petitioners said to have assaulted the defacto complainant and also damaged the entire clinic and caused loss and also abused him on his caste name. Hence, the complaint.



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 been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener submitted that the petitioners said to have abused the defacto complainant on his caste name, because the defacto complainant belongs to Scheduled Caste, eventhough, the first respondent police did not registered a case under SC/ST Act. He further submitted that the petitioners said to have assaulted the defacto complainant and caused injuries and also damaged the entire clinic and caused loss to him.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners have damaged the entire clinic and caused loss to the petitioner. He further submitted that the injured has already discharged from the Hospital.

7. Considering the fact and circumstances of the case and considering the fact the injured 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, Thirumayam, Pudukkottai 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 (one surety should be a blood relative of the petitioner) 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 are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) **each** to the credit of the Crime No. 474 of 2020 before the concerned Judicial Magistrate, within a period of Two Weeks, without prejudice to their rights in the criminal case;

(c) the first petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness
[https://hcservices.courtsofmadras.gov.in/hcservices/](https://hcservices.courtsofmadras.gov.in/hcservices) during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2020

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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,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10760 of 2020

Date : 05/10/2020

KSA

AE/AKM/SAR-IV (08.10.2020) 3P 5C