



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

Date : 16/10/2020

PRESENT

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

CRL OP(MD).No.11562 of 2020

1.Pitchai  
2.Mookkammal  
3.Suruliyammal  
4.Dhandapani  
5.Saravanakumar  
6.Krishnakumar  
7.Senthileswari  
8.Sakthivel  
9.Karthick

... Petitioners/Petitioners/Accused Nos.1 to 9

Vs

State Rep. by  
The Inspector of Police,  
Cumbum South Police Station,  
Theni District.  
Crime No.95 of 2020.

... Respondent/Respondent/Complainant

For Petitioners: Mr.M.Eswaran,  
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.95 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 147, 420, 448, 427, 294(b) and 506(i) IPC, in Crime No.95 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others and the defacto complainant are closed blood relatives. The first and third accused and the defacto complainant are own brothers and the fourth accused is the husband of the third accused.



The other accused persons are wife and children of the first accused. They are same family members. One Palaniyandi, who is the father of the defacto complainant and first, third accused owned a house in Town Ward No.27, Park Road. The said Palaniyandi was expired after that some quarrel arose between the petitioners and the defacto complainant purpose of the said house property. Due to misunderstanding, the accused trespassed into defacto complainant's house and said to have used filthy language, attacked him with dire consequences. Hence, the defacto complainant lodged a complaint before the second respondent and the same was registered in Crime No.95 of 2020 for the offences under Sections 147, 420, 448, 427, 294(b) and 506(i) IPC.

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

4.The learned counsel appearing for the petitioners would submit that earlier this Court granted anticipatory bail to the petitioners in Crl.O.P(MD)No.5005 of 2020, dated 20.03.2020 on condition that the petitioners should appear before the learned Judicial Magistrate, Uthamapalayam within a period of 15 days from the date of receipt of copy of that order. Since the petitioners were not in a position to arrange sureties, they did not surrender before concerned Judicial Magistrate Court within the time as stipulated by this Court. In the meanwhile the above said anticipatory bail order granted in favour of the petitioners was automatically cancelled. Hence, the present petition has been filed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that this is the second anticipatory bail petition. Already the petitioners were granted anticipatory bail by this Court in Crl.O.P(MD)No.5005 of 2020, dated 20.03.2020, but they they did not surrender before concerned Judicial Magistrate Court within the time as stipulated by this Court. Hence, the above anticipatory bail order in favour of the petitioners was automatically cancelled.

6.Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the even of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten 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 on 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 5 to 9 shall appear before the respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation and the petitioners 1 to 4 shall appear 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
16/10/2020

/ 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,  
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI.



3 THE INSPECTOR OF POLICE,  
CUMBUM SOUTH POLICE STATION,  
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.11562 of 2020  
Date :16/10/2020

vsd  
JM/PN/SAR III/22.10.2020/4P/5C