



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2020

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PRESENT

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

CRL OP(MD). No.11516 of 2020

1. Selvam
2. Mangai @ Mangaiyarkarasi ... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Cr. No.1381/2020).

... Respondent/Complainant

For Petitioners: M/s.P.Balasubramanian,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1381 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are the apprehending arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323, 324, 427, 506 (ii) 379 (NP) of IPC and Section 4 of TNPWH Act, in Crime No.1381 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners said to have pickup wordy quarrel with the defacto complainant and attacked him with iron rod and criminally intimidated him. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the the petitioner are the innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

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5.The learned Government Advocate (Criminal Side), on instructions, submitted that due to previous enmity between the petitioners and the defacto complainant, the petitioners said to have pickup wordy quarrel with the defacto complainant and attacked him with iron rod and criminally intimidated him. He further submitted that A1 is concerned, he is having 13 previous cases and A2 is concerned, he is having no previous case.

6.Considering the fact and circumstances of the case and considering the fact that A1 is having 13 previous cases, this petition is dismissed insofar as A1 is concerned and A2 is having no previous case, this petition is allowed insofar as A2 is concerned.

7.Accordingly, the 2nd 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 The Judicial Magistrate, Periyakulam, Theni District, on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relative 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 2nd petitioner and the sureties shall affix his 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 his identity;

(b)the 2nd petitioner shall report before the respondent police at 10.30 a.m without fail for a period of three weeks and thereafter, as and when required for interrogation;

(c)the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the 2nd 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 imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://hccservicescourts.gov.in/Kcse6/hes>ji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
16/10/2020

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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,
PERIYAKULAM, THENI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11516 of 2020
Date :16/10/2020

DSS
SRS/ VR/SAR-III/ 22.10.2020/ 3P/5C