



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2020

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PRESENT

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

CRL OP(MD) . No.12490 of 2020

1. Vellathurai
2. Ramasamy
3. Shanmugaiah
4. Valli
W/o.Vellathurai
5. Maharajan @ Maharaja
6. Valli,
W/o. Shanmugaiah
7. Ramalakshmi ... Petitioners/Accused 1 to 3,5,7,8,9

Vs.

The State rep.by
The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi Distrit.
Crime No.257 of 2020.

... Respondent/Complainant

For Petitioners : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

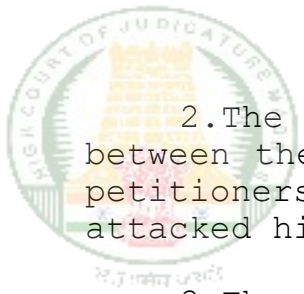
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.257of 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 3, 5, 7 to 9, apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 341, 294(b), 324, 427, 307 and 506(ii) IPC and Section 5 of TNPPDL Act, in Crime No.257 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, for which, the petitioners said to have abused the defacto complainant and also attacked him with hands. Hence, the present complaint.

3.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 it is a case in counter. The counter case also registered against the defacto complainant and others, in Crime No.258 of 2020 for the offence punishable under Sections 147, 294 (b), 324, 506(ii) of IPC and Section 3(1)(r), 3(2)(va) of SC/ST (Prevention of Atrocities) Act. As a counter blast, the present complaint has been filed.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter and the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Sankarankovil, on condition that the petitioners shall execute 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 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 1 to 3 and 5 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, 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



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.

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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,
SANKARANKOVIL.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION, TENKASI DISTRICT.

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

+1 CC to MR.G.THALAIMUTHARASU, Advocate (SR-7354[I] dated 06/11/2020)

ORDER
IN
CRL OP(MD) No.12490 of 2020
Date :05/11/2020

das
AE/SMA/SAR-III (11.11.2020) 3P 6C