



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

Date : 23/11/2020

PRESENT

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

**CRL OP(MD) . No.13200 of 2020**

1. Venkatesh  
2. Rangaraj

... Petitioners/Accused 1 & 2

Vs

The State rep.by,  
The Inspector of Police,  
Nalattinpudur Police Station,  
Thoothukudi District  
Crime No.427/2020.

... Respondent/Complainant

For Petitioners: Mr.G.Thalaimutharasu,  
Advocate.

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

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

PRAYER :-

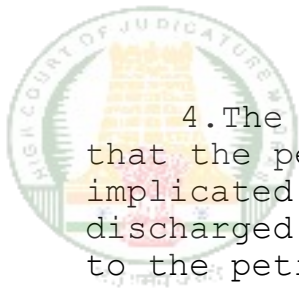
For an Anticipatory Bail in Crime No.427 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.427 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the previous enmity regarding to cultivate the agricultural land in their native place, the petitioners were said to have attacked the defacto complainant with iron rod and caused injuries.

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. He further submitted that the injured was discharged from the hospital and hence, he seeks anticipatory bail to the petitioners.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that the injured sustained only simple injury and he was discharged from the hospital. He further submitted that the petitioners are not having previous case.

6.Considering the facts and circumstances of the case and considering the fact that the injured sustained only simple injury and he was discharged from the hospital and also the fact that the petitioners are not having no previous case, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Kovilpatti, 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 shall report before the respondent police daily at 10.30 a.m without fail 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 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/-  
23/11/2020

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/ /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 NO.I, KOVILPATTI.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
NALATTINPUDUR POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.13200 of 2020  
Date :23/11/2020

dss  
PK/JC/SAR-III/26.11.2020 : 3P/5C