



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.13196 of 2020

1. Salamon @ Thelukkan
2. Thinagaran
3. Jeyakumar
4. Thangadurai

... Petitioners/Accused Rank 1 to 4

Vs

State, Rep.by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.639/2020.

... Respondent/Defacto Complainant

For Petitioners: Mr.B.Sathesh Kumar,
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.639 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(i) of IPC, in Crime No.639 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have committed theft of all the fishes in the defacto complainant's fisheries. Due to which, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners abused the defacto complainant and attacked him with hands. Hence, the present 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 not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioners have been attacked by the defacto complainant and hence, the petitioners have given a complaint against the defacto complainant. As a counter blast, the present complaint has been filed. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first and second petitioners are having three previous cases and the third petitioner is having two previous cases and the fourth petitioner is having one previous cases.

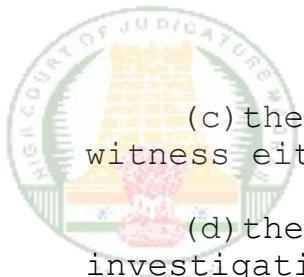
6. Considering the submission made by the learned Government Advocate (Crl. Side) that the petitioners 1 and 2 are having three previous cases, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2. Hence, this criminal original petition is dismissed in respect of the petitioners 1 and 2.

7. Considering the facts and circumstances of the case and also considering the fact that there is no other allegation pending against the petitioners 3 and 4, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4 with certain conditions.

8. Accordingly, the petitioners 3 and 4 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, Rajapalayam, on condition that the petitioners 3 and 4 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 3 and 4 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 3 and 4 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 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 3 and 4 shall not abscond either during investigation or trial;

WEB COPY (e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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 3 and 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/11/2020

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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, RAJAPALAYAM.
- 2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13196 of 2020

Date :23/11/2020

vsg

AE/AKM/SAR-IV (26.11.2020) 3P / 5C

<https://hcservices.ecourts.gov.in/hcservices/>