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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

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

CRL OP(MD). No.13564 of 2020

1. Viswanathan
2. Pothum Ponnu
3. Periya Karuppan
4. Irulayee @ Rakku
5. Rakku

... Petitioners/Accused Nos.1,3,9,10&14

Vs

The State Rep. by its
The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.
Crime No.277 of 2020.

... Respondent/Complainant

For Petitioners: M/s.M.S.Jeyakarthik,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.277 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1, A3, A9, A10 & A14, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 427, 429, 379 (NH) & 506 (ii) of IPC seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are residing in the same Village. Due to land dispute between the first accused's family and the defacto complainant's brother-in-law, the brother-in-law's son and his



henchmen attacked the defacto complainant's son in which, both the petitioners group and the defacto complainant's group said to have attacked each other. 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. He further submitted that it is a case in counter, earlier the petitioner's group have been attacked by the defacto complainant's group and hence, the petitioners have given a complaint against the defacto complainant and the same was registered. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are totally 19 accused involved in this case. It is a case in counter and no one has sustained injury in this case.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and no one has sustained injury in this case, I am 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 Additional District Munsif cum Judicial Magistrate Court, Manamadurai, 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:

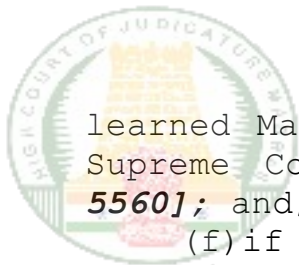
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police 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 thereafter absconds, 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 ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MANAMADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7762[I] dated 30/11/2020)

ORDER

IN

CRL OP(MD) No.13564 of 2020

Date :27/11/2020

DSS

TE/AKM/SAR-II : 03/12/2020 : 3P/6C