



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

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PRESENT

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

CRL OP(MD). No.13567 of 2020

1. L.Kalanchiyam
2. R.Bala @ Bala Sri ... Petitioners/Accused Nos.4&6

Vs

The State rep. by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.330 of 2020. ... Respondent/Complainant

For Petitioners: M/s.K.Ramanathan,
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.330 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A4 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 336, 427, & 506(ii) of IPC seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant, the petitioners and other accused persons were said to have entered into the defacto complainant's shop and abused him by using filthy language and also attacked him with wooden stick and caused injury and damaged the name board of the shop. Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. The defacto complainant's goat was missing. Due to which, he quarrelled with the 1st accused and lodged a false complaint as against the petitioners and other accused persons. Hence, he seeks anticipatory bail.

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5.The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally eight accused involved in this case. Due previous motive between the accused and the defacto complainant with regard to missing goat. The petitioners and other accused persons were said to have entered into the defacto complainant's shop and abused him by using filthy language and also caused damage worth about Rs.1000/-.

6.Considering the facts and circumstances of the case and also considering the fact that there is only a wordy quarrel between the petitioner and the defacto complainant, 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 District Munsif cum Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, 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 for a period of two weeks without fail, 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**



(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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE ,
THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13567 of 2020
Date :27/11/2020

DSS
SRS/AKM/SAR-II/03.12.2020/3P/5C