



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

PRESENT

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

CRL OP(MD). No.14113 of 2020

1. Rajesh
2. Maruthupandi
3. Rajadurai
4. Muthuraj

... Petitioners/Accused 1to4

Vs

The State rep. by
The Inspector of Police,
Kovilpatti West Police Station
Thoothukudi District.
Crime No. 1185/2020.

... Respondent/Complainant

For Petitioners: Mr.M.Prabu,
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. 1185/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427 and 506(ii) of IPC, in Crime No.1185 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners said to have abused the defacto complainant by using filthy language and also damaged the two wheeler of the defacto complainant worth about Rs.3,000/-. Hence, the present 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 and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there is no previous case pending against the first petitioner. He further submitted that there are four previous cases are pending against the petitioners 2 and 3 and the fourth petitioner is having two previous cases.

6. Considering the facts and circumstances of the case and also considering the fact that there are four previous cases pending against the petitioners 2 and 3, this Court is not inclined to grant anticipatory bail to the petitioners 2 and 3.

7. Hence, this Criminal Original Petition is dismissed in respect of the petitioners 2 and 3.

8. In so far as the petitioners 1 and 4 are concerned, there is no other serious allegation against them. Considering the above facts and circumstances of the case and also considering the rival submissions, this Court is inclined to grant anticipatory bail to the petitioners 1 and 4 with certain conditions.

9. Accordingly, the petitioners 1 and 4 are directed to jointly pay a sum of Rs.5,000/- directly to the defacto complainant. The petitioners 1 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 No.II, Kovilpatti, Thoothukudi District, on condition that the petitioners 1 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 1 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 1 and 4 shall report before the respondent police as and when required for interrogation.

(c) the petitioners 1 and 4 shall not tamper with evidence or



(d) the petitioners 1 and 4 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 1 and 4 in accordance with law as if the conditions have been imposed and the petitioners 1 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 1 and 4 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/12/2020

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

ORDER

IN

CRL OP(MD) No.14113 of 2020

Date : 04/12/2020

VSG

SRS/JC/SAR-III/15.12.2020/3P/5C

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