



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

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.14231 of 2020

1.Ashokan
2.Thangam
3.Jayaganesan
4.Muthukumaran
5.Rathinam
6.Kavitha
7.Visu Kutti @ Kasi Viswanathan
8.Thangadurai

... Petitioners/Accused No.1 to 8

Vs

The State rep.by
The Inspector of Police,
Chokkampatti Police Station
Tirunelveli District.
Crime No.315 of 2020.

... Respondent/Complainant

For Petitioners: Mr.D.Venkatesh,
Advocate.

For Respondent : Mrs.M.Ananthadevi
Government Advocate (Crl.Side)

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

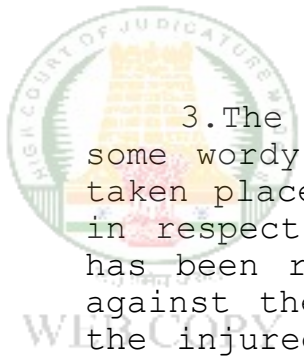
PRAYER :-

For Anticipatory Bail in Crime No. 315 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A8, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 324, 342, 427 and 307 of IPC, in Crime No.315 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 in the temple festival, in which both the petitioners and other accused persons and the defacto complainant attacked each other with deadly weapons and caused injuries.



3.The learned counsel for the petitioner submitted that due to some wordy quarrel between two groups the occurrence said to have taken place. He further submitted that it is a case in counter and in respect of very same incident another First Information Report has been registered and the petitioners have also given complaint against the defacto complainant/injured. He further submitted that the injured person has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) submitted that it is a case in counter and the injured person has already been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Tenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, out of which, one shall be a blood related surety, 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 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**



(f) if the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/12/2020

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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, TENKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14231 of 2020
Date : 14/12/2020

VSG
TK/PN/SAR.3/18.12.2020/3P/5C