



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2020

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PRESENT

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

CRL OP(MD). No.14563 of 2020

1. Ponnusamy
2. Mariselvam
3. Muthaiah

... Petitioners/Accused No.1,3 & 4

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.1284 of 2020).

... Respondent/Complainant

For Petitioners: M/s.S.Muthumalai Raja,
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.1284 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324 and 506(ii) of I.P.C., in Crime No.1284 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that when the defacto complainant stopped the petitioners' chicken to enter into his house, the petitioners attacked him with iron rod and he was admitted in Government Hospital, Sivakasi. Hence, a case has been registered.



4. The learned counsel for the petitioners submitted that the petitioners' chicken went into the defacto complainant's house and did the natural call. Therefore, the defacto complainant and his father and brother attacked the first petitioner and threatened him. When the other petitioners tried to stop that, they attacked the petitioners. Hence, they attacked them for their defence and the petitioners did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners and the defacto complainant are neighbours. The defacto complainant and his father and brother lodged a complaint in Crime No.1285 of 2020. It is a case and counter case. The defacto complainant has been discharged from the hospital.

6. Considering the facts and circumstances of the case and the fact that the defacto complainant is discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sivakasi, and on their executing 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 four 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/12/2020

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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, SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14563 of 2020
Date : 11/12/2020

IAS
TE/SMA/SAR-II : 17/12/2020 : 3P/5C