



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.15360 of 2020

1. Muthuvijayan
2. Vinayagamoorthis
3. Rajalakshmi

... Petitioners/
Accused Nos.1,2 and 4

Vs

State through
The Sub Inspector of Police,
A.Mukkkulam Police Station,
Thiruchuli Taluk,
Virudhunagar District.
Crime No.148/2020.

... Respondent/Complainant

For Petitioners : M/s.Ramesh.V,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.148 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 2 and 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 326 I.P.C., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to land dispute in a common path way, 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 attacked him with stick and iron rod and caused injuries and also lost his two teeth. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioners.



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 and they have been falsely implicated in this case. He further submitted that the defacto complainant is a drunkard and the dispute was happening between their family more than two year due to the common pathway. The defacto complainant abused the fourth accused in filthy language and slapped her in front of the family members. So, for her self defense she pushed him, so he got injury. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6. Admittedly, the defacto complainant lost his two teeth. The dispute arose between both the family in respect of common pathway. The learned counsel for the petitioners also submitted that the petitioners are willing to compensate by way of money. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail, subject to the following conditions:-

[a] the petitioners shall jointly pay a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the defacto complainant without prejudice to their rights and contentions before the trial Court.

[b] On such deposit/receipt being made, 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 learned Judicial Magistrate, Arupukottai.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the first and second 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 the third petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioners shall not abscond either during investigation or trial.



[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g]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].

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

sd/-

21/12/2020

/ TRUE COPY /

/ /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, ARUPUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
A.MUKKKULAM POLICE STATION,
THIRUCHULI TALUK,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.15360 of 2020

Date :21/12/2020

LS

TE/JM/SAR-III : 29/12/2020 : 3P/5C