

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7720 of 2021

1 MADHAVAN	[PETITIONERS / ACCUSED]
2 NATARAJAN @ NARAYANAN	
3 NIMULA @ VIMALA	
4 GOVINDAN	
5 SIVARASU @ SIVADOSS @ AYYAPILLAI	
6 MALATHI @ MADHEVI	
7 VANITHA	
8 ELAMPAL @ ELAM	
9 AMUTHUALAKSHMI	
10 ELAVARASI @ INDIRANI	
11 AYILMOORTHY	

Vs

THE STATE REP BY	[RESPONDENT]
THE INSPECTOR OF POLICE,	
VALANGAIMAN POLICE STATION,	
TIRUVARUR DISTRICT.	
CR NO.269/2021	

For Petitioner : M/S.N.PALANIVEL Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 448, 294(b), 323 and 506(ii) of IPC in Crime No.269 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners assaulted the defacto complainant's wife and when the defacto complainant came to rescue her, the petitioners assaulted him and his family members and caused severe injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that due to previous enmity with regard to community clash, the petitioners assaulted the defacto complainant and his family members and caused severe injuries. He further submitted it is a case in counter and the injured has been discharged from the hospital. The learned counsel further submitted that already A1 was arrested and released on bail by the lower Court.

5.Taking into consideration the facts and circumstances of the case and also the submission of the learned Government Advocate that the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Valangaiman, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or 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 Court concerned 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 5560]***; and;

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

-sd/-
28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR.NO.5634

CRL OP.7720/2021

Date :28/04/2021

TA-11/05/2021