



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

Date : 20/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.326 of 2021

(*)1.Sekar @ Raja Sekaran

2. Yuvaraja

3. Ravi

4. Mahesh

5. Bala Kumar

... Petitioners/Accused 1 to 4 & 6

Vs

State Rep. by

The Inspector of Police,

Uppiliyapuram Police Station,

Trichy District.

(Crime No.7/2021).

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4 and A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 307 and 506(ii) IPC, in Crime No.7 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant fell in love with the daughter of the first accused. Due to which, that there was a dispute between the first accused and the defacto complainant's family and hence, the petitioners along with other



accused are said to have attacked the defacto complaint with knife and abused him in filthy language and also threatened him with dire consequences. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there was a dispute between the family members and that the petitioners are alleged to have attacked the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, on condition that 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 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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2021

**(*) Amended as per order of this Court
dated 15.02.2021 in CRL.MP(MD) No.1135/2021
in CRL OP(MD) No.326 of 2021 by MNKJ.**

**Further two weeks time is granted to the
petitioners to comply with the conditions
imposed by this Court from the date of
receipt of a copy of this order as
last chance.**

/ TRUE COPY /

/ /2021

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

(*) To be substituted with the order dated 20/01/2021 already despatched.

1 THE JUDICIAL MAGISTRATE, THURAIYUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.326 of 2021
Date : 20/01/2021

trp
JM/VR/SAR III/25.01.2021/3P/5C
VSG

TK/PN/SAR.1/19.02.2021/3P/5C

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