



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.985 of 2021

1. Palani
2. Saravanan

... Petitioners/Accused 1 & 2

Vs

State Rep. by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
Crime No.15 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Prabu.M,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b, 342, 323, 324 and 506(ii) I.P.C., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant, in which, the petitioners said to have quarrelled with the defacto complainant and at the time of occurrence, the petitioners using filthy language abused and also attacked him with wooden stick and also threatened him with dire consequences and caused injuries. 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 it is a case in counter, earlier the petitioners was attacked by the defacto complainant and hence, the first petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.14 of 2021. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that due to land dispute, the occurrence said to have taken place and it is a case in counter and injured person has already been discharged from the hospital, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District, on condition that the petitioner shall execute a 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/01/2021

/ 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

- 1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, TUTICORIN DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KALUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.985 of 2021
Date :25/01/2021

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JM/VR/SAR I/01.02.2021/3P/5C