



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1012 of 2021

1. Manokaran
2. Amalanathan
3. Suresh @ Sureshkannan
4. Suganya
5. Praveen
6. Ramesh
7. Sutharshan

... Petitioners/Accused Nos.2 to 8

Vs

State Rep.by
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
Crime No. 3 of 2021.

... Respondent/Complainant

For Petitioners : Mr.T.Vadivelan,
Advocate.

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

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

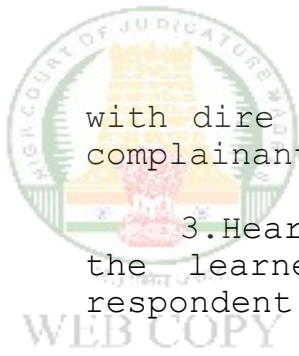
PRAYER :- For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 323 and 506(ii) I.P.C, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons assaulted the defacto complainant and threatened him

<https://hcservices.ecourts.gov.in/hcservices/>



with dire consequences. 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 were attacked by the defacto complainant and hence, the petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.04 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.

6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter, 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, Singampunari, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety 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:

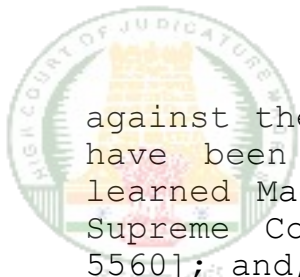
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall stay at Tirunelveli and the petitioners 1 to 3 and 5 to 7 shall report before the Tirunelveli Town Police Station daily at 10.30 a.m until further orders. The fourth petitioner/ A5 being a lady, she shall report before the Tirunelveli Town Police Station 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/Judicial 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;

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

sd/-

25/01/2021

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/ /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, SINGAMPUNARI.
- 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.

ORDER

IN

CRL OP(MD) No.1012 of 2021

Date :25/01/2021

LS

AE/JC/SAR-II (03/02/2021) 3P / 6C