



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1036 of 2021

1. Paramasivam
2. Vicky @ Vigneshwaran
3. Kanmani
4. Rabin
5. Magudapathi

... Petitioners/Accused No.1,3,4,9 & 11

Vs

State Rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.1122/2020.

... Respondent/Complainant

For Petitioners: M/s.Krishnaveni.P,
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.1122 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1, 3, 4, 9 and 11, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 342, 324, 307 and 506(ii) of IPC, in Crime No.1122 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons have way laid the defacto complainant's son and assaulted him with deadly weapons and caused grievous injuries on all over the body and also criminally intimidated him. The case of the complainant has been registered.

<https://hccourts.org.in/mse/1036>



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. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first petitioner is having 12 previous cases and the second petitioner is having 9 previous cases and there is specific overt act attributed as against the petitioners 1 to 3.

6.Insofar as the petitioners 1 to 3 are concerned, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition,

7.In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the petitioners 1 to 3.

8.Insofar as the petitioners 4 and 5 are concerned, considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners 4 and 5 and there is no specific overt act attributed as against the petitioners 4 and 5, this Court is inclined to grant anticipatory bail to the petitioners 4 and 5 with certain conditions.

9.Accordingly, the petitioners 4 and 5 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, Sivagangai District, on condition that the petitioners 4 and 5 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 4 and 5 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 4 and 5 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 4 and 5 shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 4 and 5 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 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 4 and 5 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 4 and 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2021

/ 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,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.KRISHNAVENI.P Advocate SR.No.743

ORDER

IN

CRL OP(MD) No.1036 of 2021

Date : 05/02/2021

vsg

<https://hcmvscs.courts.gov.in/Case/05.02.2021/3P/6C>