



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1492 of 2021

1. Vembu
2. Sudalaimuthu ... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
(Crime No.4/2021)

... Respondent/Complainant

For Petitioner : Mr.C.Susi 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. 4/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 307 of IPC, in Crime No.4 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioner said to have connected the electricity connection on the front gate of the defacto complainant. While the defacto complainant opened the front iron gate, she received electric shock and sustained injuries on her body. Hence, the present complaint.

3.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. He further submitted that due to property dispute, the petitioners have been



falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that due to property dispute, the occurrence said to have taken place.

5.On perusal of the materials available on records, it is seen that the petitioners said to have connected electricity connection on the front gate of the defacto complainant. Thereafter, when the defacto complainant opened iron gate, she sustained injuries. On the previous day on 04.01.2021, the defacto complainant surveyed her property with the help of the surveyor, which was opposed by the petitioners. Due to which, the occurrence said to have taken place.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

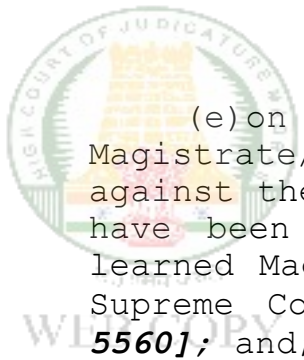
7.Accordingly, each of the petitioners shall draw a demand draft in favour of Dean, Government Medical Colleged and Hospital, Tuticorin, for a sum of **Rs.5,000/- (Rupees Five Thousand only)** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance / submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Medical Colleged and Hospital, Tuticorin, 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, Sathankulam, 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 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/-
24/02/2021

/ 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, SATHANKULAM.
- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 3 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, TUTICORIN DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI

COPY TO:

THE DEAN,
GOVERNMENT MEDICAL COLLEGE AND HOSPITAL, TUTICORIN.

ORDER
IN
CRL OP(MD) No.1492 of 2021
Date : 24/02/2021

NR/PN/SAR-IV(02.03.2021) 3P:6C