



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD) . No.2010 of 2021

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Kottai Samy

... Petitioner/Accused No.8

Vs

The State rep by
The Inspector of Police,
SIPCOT Police Station, Manamadurai,
Sivagangai District.
Crime No. 277 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Valmeganathan S,
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.277 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A8, apprehending arrest at
the hands of the respondent police for the offences punishable under
Sections 147, 148, 448, 427, 429, 379 (NH) & 506 (ii) of IPC, in
Crime No.277 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the
defacto complainant are residing in the same Village. Due to land
dispute between the first accused's family and the defacto
complainant's brother-in-law, the brother-in-law's son and his
henchmen attacked the defacto complainant's son in which, both the
petitioner group and the defacto complainant's group said to have
attacked each other. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl. Side) appearing for the
respondent.

4.The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has not committed
any offence as alleged by the prosecution. He further submitted that
it is a case in counter, earlier the petitioner's group have been
attacked by the defacto complainant's group and hence, the
petitioner has given a complaint against the defacto complainant and



the same was registered. 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 there are totally 19 accused involved in this case. It is a case in counter and no one has sustained injury in this case.

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6. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and no one has sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai, 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

16.02.2021

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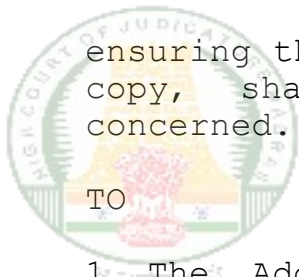
/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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

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 Additional District Munsif cum Judicial Magistrate Court, Manamadurai.
- 2.-Do- Thro The Chief Judicial Magistrate, Sivagangai District.
3. The Inspector of Police, SIPCOT Police Station, Manamadurai, Sivagangai District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.VELMEGANATHAN, Advocate (SR-1196[I] dated 18/02/2021)

ORDER
IN
CRL OP(MD) No.2010 of 2021

Date : 16/02/2021

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