



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

Date : 19/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2666 of 2021

1.Gopalakrishnan
2.Ram Kumar
3.Ramakrishnan

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
Crime No. 57 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

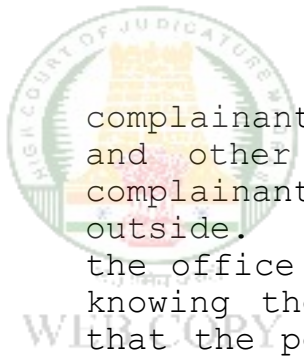
PRAYER :-

For Anticipatory Bail in Crime No.57 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 447, 324, 379 and 506(ii) of IPC and Section 3 of TNPPDL Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.57 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are partners and they were doing real estate business in the name of PLRJ real estate. Thereafter, in the year 2016 the first accused left the business. In the year 2020, the first petitioner asked the defacto complainant to produce his share. Hence, a complaint has been filed before the respondent Police and the same was closed, since both the first accused and the defacto



complainant entered into compromise. On 11.02.2021, the petitioners and other accused persons came to the office of the defacto complainant and abused him employee viz. Ramalakshmi and driven her outside. Thereafter, the petitioners said to have trespassed into the office and damaged the door, xerox machine and CCTV camera. On knowing the same, the defacto complainant came to his office, at that the petitioners and other said to have assaulted the defacto complainant with iron rod. Hence, the present complaint.

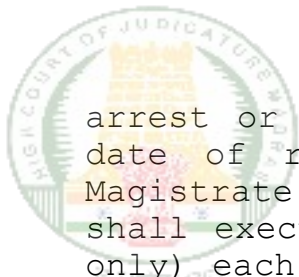
3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the first petitioner and the defacto complainant were doing real estate business in the name of PLRJ for the past 10 years. Thereafter, the first petitioner is partner of the above said company. He further submitted that the first petitioner asked the defacto complainant to give his share. Despite the several request of the first petitioner, the defacto complainant has not given. On 11.02.2021, the first petitioner was called by the defacto complainant to come to the office to settle the dispute. Believing the same, the petitioners had gone to the defacto complainant's office, at that time, the defacto complainant along with others had attacked the first petitioner and he had received stab injury. Thereafter, he was taken to the Thoothukudi Government Hospital for taking treatment. Thereafter, he was discharged from hospital and admitted Meenakshi Mission Hospital, Madurai, for further treatment. Hence, the first petitioner has given a complaint against him and the same was registered in Crime No.58 of 2021, for the offences punishable under Sections 294(b), 324, 506(ii) and 109 of IPC. As a counter blast, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioners.

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 business motive, the occurrence said to have taken place and it is a case in counter and the 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, each of the petitioners is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.57 of 2021 without prejudice to their rights and contentions before the trial Court. On such deposit, 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 Judicial Magistrate Court, Tiruchendur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with common surety 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/-
19/02/2021

/ 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, TIRUCHENDUR

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3.THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.R.J.KARTHICK, Advocate SR.No.1242

ORDER

IN

CRL OP(MD) No.2666 of 2021

Date :19/02/2021

VSG

PK/VR/SAR-III/24.02.2021 : 4P/6C