



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2883 of 2021

1. S.Karthi
2. S.Satheeshkumar
3. S.Bhuvaneshwari

... Petitioners/Accused No.1 to 3  
Vs

The State rep.by,  
The Inspector of Police,  
Kottampatti Police Station,  
Madurai District  
Crime No. 51/2021..

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.P.,  
Advocate.

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

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

PRAYER :-

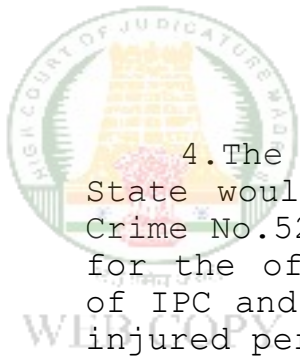
For Anticipatory bail in Crime No.51 of 2021 on the file of the  
respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Sections 294  
(b), 324 and 506(ii) of IPC, seek anticipatory bail.

2.The case of the prosecution is that due to pathway dispute,  
the petitioners are said to have attacked the de-facto complainant  
with wooden stick and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would  
submit that the petitioners are innocent person and they have been  
served with summons in this case.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a case and case in counter case in Crime No.52 of 2021, was registered against the de-facto complainant for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC and Section 4 of TNPHW Act. He would further submit that the injured person in this case has been treated as out patient.

5.Considering the facts and circumstances of the case and also considering the fact that it is a counter case and injured person in this case has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, 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 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,  
MELUR, MADURAI DISTRICT.
  - 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
  - 3 THE INSPECTOR OF POLICE  
KOTTAMPATTI POLICE STATION,  
MADURAI DISTRICT
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.BALAMURUGAN, Advocate SR.No.1475

ORDER

IN

CRL OP(MD) No.2883 of 2021

Date :24/02/2021

NR/PN/SAR-IV(05.03.2021) 3P:6C