



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

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3440 of 2021

Karuppu @ Karuppasamy

... Petitioner/Accused Rank Not Known

Vs

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

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu,
Advocate.

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

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

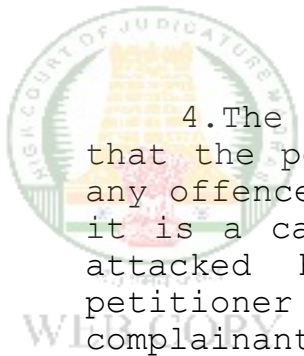
PRAYER :- For Anticipatory Bail in Crime No.277 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A13, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 294(b), 427, 429, 379(NH) and 506(ii) of IPC, in Crime No.277 of 2020, on the file of the respondent police, 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's 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 and others have 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.

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 and co-accused have already been granted anticipatory bail by this Court, 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 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

<https://hccservicescourts.gov.in/Kse/sha> **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/-
04/03/2021

/ TRUE COPY /

WEB 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 ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MANAMADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MANAMADURAI.

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.C.EZHILARASU, Advocate SR.No.1776

ORDER
IN
CRL OP(MD) No.3440 of 2021
Date : 04/03/2021

vsg
PK/SMA/SAR-III/09.03.2021 : 3P/6C