



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/03/2021
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3575 of 2021

1. Paramasivam
2. Palraj
3. Pasam

... Petitioners/Accused Nos.1,2 & 4
-Vs-

State rep.by
The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Trichy District.
Crime No.1028/2020

... Respondent/Complainant

For Petitioners : Mr.K.Arunraj, 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. 1028 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1,2 and 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 341 and 506(i) of IPC, in Crime No.1028 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners were said to have abused the defacto complainant by using filthy language and also attacked him and caused injury. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submitted that this is the second anticipatory bail petition and earlier the petitioners were granted anticipatory bail by this Court on 28.07.2020 since they are unable to produce sureties the present petition has been filed.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that this is the second



anticipatory bail petition and earlier the petitioners were granted anticipatory bail by this Court on 28.07.2020 in Crl.O.P(MD) No. 7735 of 2020.

5.Considering the facts and circumstances of the case and also considering the fact this is the second anticipatory bail petition, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (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 surety 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/-
08/03/2021

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/ /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.

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- TO
1. THE JUDICIAL MAGISTRATE, MUSIRI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THOTTIYAM, TRICHY DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3575 of 2021
Date :08/03/2021

AAV
MS/PN/SAR-4/11.03.2021/3P.5C