



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4062 of 2021

1. Chellaiah
2. Mani @ Manikandan
3. Archunan @ Arjunan
4. Vimal
5. Karuppaiah

... Petitioners/
Accused Nos.3, 4, 5, 7 & 9

Vs

The State rep. by
The Inspector of Police,
Sakkottai Police Station,
Sakkottai, Sivagangai District.
Crime No. 10 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Arunraj K,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.3, 4, 5, 7 and 9, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 452, 323, 324, 427 and 307 of IPC, in Crime No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with others unlawfully assembled together and trespassed into house and shop of the defacto complainant and abused him and assaulted him



with deadly weapons and also made an attempt to murder him. Further they also caused damage to the vehicles and utensils in the house. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners never committed any offence as alleged by the prosecution and due to some political enmity, a false case has been foisted against the petitioners. He would also submit that it is case in counter and the injured in both the cases were discharged from the hospital. He would also submit that the petitioners are poor agricultural coolie and now they are ready to deposit a sum of Rs.15,000/- each to the credit of the crime number and seeks anticipatory bail.

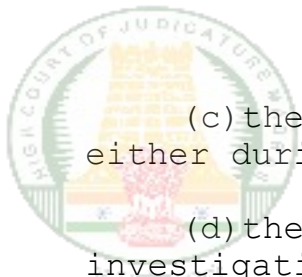
4.The learned Government Advocate (Criminal Side) would submit that there are 16 accused in this case and the petitioners herein are arrayed as A3, A4, A5, A7 and A9. He would also submit that it is case in counter and the injured in both the cases were discharged from the hospital. He would further submit that the damaged caused by the petitioners is worth about Rs. 5,71,191/-.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the fact that the petitioners have come forward to deposit a sum of Rs.15,000/- each and also taking note of the fact that it is case in counter and the injured in both the cases got discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of Rs.15,000/- each to the credit of the Crime No.10 of 2021 on the file of the Judicial Magistrate Court, Karaikudi without prejudice to their rights before the concerned 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, Karaikudi, 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;

WEB COPY (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/-

18/03/2021

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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, KARAIKUDI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SAKKOTTAI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.ARUNRAJ, Advocate (SR-2273[I] dated 18/03/2021)

ORDER IN

CRL OP(MD) No.4062 of 2021

Date :18/03/2021

VSG

<https://hccs.courtsof.gov.in/hccs/0001/3P/6C>