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

Date : 30/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) . Nos.4354 and 4702 of 2021

1.Pavul
2.John Ravi
3.Major @ John Major
4.Greenon @ Antony Greenon
5.Preetmant @ Sandhya Preetmant ... Petitioners/Accused Nos.5 to 9
in Crl.O.P. (MD) No.4354/2021

1.Soosai
2.Inbaraj
3.Sagayam
4.Beniston ... Petitioners/Accused Nos.1 to 4
in Crl.O.P. (MD) No.4702/2021

Vs

The State Rep. by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
Crime No. 55 of 2021. ... Respondent/Complainant
in both petitions

For Petitioners
(in both petitions) : Mr.J.Sankarapandian,
Advocate.

For Respondent
(in both petitions) : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor : Mr.Senthil Ayyanar
(in both petitions)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.55 of 2021 on the file of the
Respondent Police.



COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 of IPC, seek anticipatory bail.

2.The case of the prosecution is that the marriage between A4 and the defacto complainant had taken place in the year 2015 and out of their marriage, they were blessed with one male child and one female child. Seven months prior, due to some misunderstanding, the defacto complainant took her girl baby and left the matrimonial home and living with her parents and boy baby left with A4. On 14.03.2021, the defacto complainant had gone to the house of A4 and taken away a boy without informing any one. Therefore, the petitioners way laid the father and brothers of the de-facto complainant and abused them with filthy languages and A1 to A3 attacked the brother of the de-facto complainant with aruval and other are attacked her father and brother of the de-facto complainant with wooden log. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that totally there are nine accused in this case. The marriage between A4 and the defacto complainant had taken place in the year 2015. Out of their marriage, they were blessed with one male child and one female child. Seven months prior, due to some misunderstanding, the defacto complainant took her girl baby and left the matrimonial home and living with her parents and boy baby left with A4. On 14.03.2021, the defacto complainant had gone to the house of A4 and taken away a boy without informing any one. On that day, A4 went to in deep sea for fishing. When he was reaching home, his sister informed about the incident, prior to that, his sister lodged a complaint. Though complaint was received by the respondent Police, no case was registered. He further submitted that A4 along with his relatives questioned the defacto complainant about the same, due to which, the petitioners said to have attacked the defacto complainant's father and her brother and they sustained injuries and they were admitted in the hospital. Thereafter, they have been discharged from the hospital. He further submitted that the other accused are relatives and they belonged to Fishermen Community.

4.Mr.Senthil Iyyanar, learned counsel appearing for the intervener/defacto complainant submitted that in this case innocent and poor people had been assaulted by the petitioners with deadly weapons like sword. The defacto complainant's father and brothers got injured in their vital parts. He further submitted that the petitioners had unlawfully assembled and attacked the defacto complainant's father and brothers, who were later rushed to the hospital on 15.03.2021. They got admitted in the Aasi Hospital and later, discharged from the hospital on 25.03.2021. He would further



submit that three of them had injured in the incident, out of which, two were severely injured and taking treatment as inpatient for nearly ten days. One of the injured Nevil Dejo had incurred and expenditure of Rs.39,788/- and other injured person Nivartin had incurred and expenditure of Rs.40,000/-, which was unnecessary.

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5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners were said to have attacked the defacto complainant's father and brother by using deadly weapons and they got sustained injuries. Thereafter, they had taken treatment. He further submitted that the injured persons have already been discharged from the hospital.

6.Now the petitioner/A-4 undertakes that he will take a demand draft in favour of the de-facto complainant for a sum of Rs.40,000/- (Rupees Forty Thousand Only) and he shall produce the same at the time of executing sureties.

7.In view of the above said undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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, Rameshwaram, Ramanathapuram 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 petitioner/A-4 shall take a demand draft for a sum of Rs.40,000/- (Rupees Forty Thousand only) in favour of the de-facto complainant and on refusal, the same to be deposited before the trial Court and thereafter, the de-facto complainant shall file a petition and receive back the demand draft.

(b)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;

(c)the petitioners shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD). Nos.4354 & 4702/2021
Date :30/03/2021

SJI
TE/JC/SAR-IV : 08/04/2021 : 4P/5C