



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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4519 of 2021

1. Balakrishnan
2. Pattukani
3. Lakshmanaperumal ... Petitioners/Accused 1 to 3

Vs

State through
The Inspector of Police,
Pulilyampatti Police Station,
Thoothukudi District.
Crime No. 17 of 2021. ... Respondent/Complainant

For Petitioners : Mr.J.Joseph Zinoson,
Advocate.
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

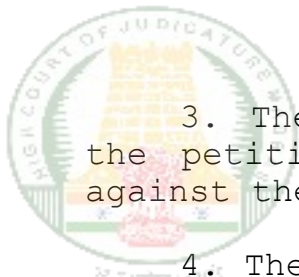
PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 441,294(b),352,506(ii) and 109 of IPC seek anticipatory bail.

2. The case of the prosecution is that on 15.03.2021 the defacto complainant went to the scene of occurrence to visit the project work at that time the petitioners herein abused him, attacked him with deadly weapons and also criminally intimidated him. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

4. The learned Government Advocate(Crl.Side) would submit that the third petitioner is the Vice Chairman of Karankulam Panchayat and the other petitioners are his henchmen. He would also submit that there was a quarrel with regard to setting up of wind mill in which the petitioners herein abused the defacto complainant, attacked him with deadly weapons and also criminally intimidated him

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a wordy quarrel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten thousand only) each to the Truthful caring and training centre for mentally retarded, 4/483 Housing Board, Ettayapuram, Thoothukudi without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft. On acknowledgment of the same, 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 No.I, Kovilpatti, 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/03/2021

/ 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 NO.1, KOVILPATTI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PULILYAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE TRUTHFUL CARING AND TRAINING CENTRE
FOR MENTALLY RETARDED, 4/483 HOUSING BOARD,
ETTAYAPURAM, THOOTHUKUDI.

ORDER
IN
CRL OP(MD) No.4519 of 2021
Date :31/03/2021

AAV
AE/JC/SAR-II (08/04/2021) 3P / 6C