



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

Date : 26/03/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) . No.4629 of 2021**

1.Rajesh  
2.Parthiban  
3.Shanmugam  
4.Pappa

... Petitioners/Accused No.1 to 4

Vs

State rep.by,  
The Inspector of Police,  
S.V.Mangalam Police Station,  
Sivagangai District  
Crime No.31/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Mandhiralingeswaran,  
Advocate.

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

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

PRAYER :-

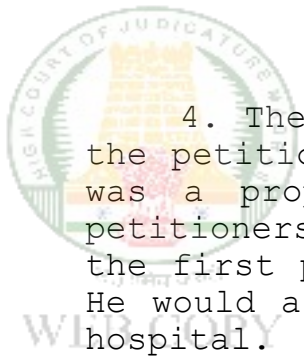
For Anticipatory Bail in Crime No.31 of 2021 on the file of  
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Sections 294  
(b), 323, 324 I.P.C r/w. Section 4 of TNPHW Act, seek anticipatory  
bail.

2.The case of the prosecution is that due to previous enmity,  
the petitioners abused the defacto complainant using filthy language  
and the first petitioner assaulted the defacto complainant with  
aruval and thereby, threatened with dire consequences caused  
injuries to the defacto complainant.

3.The learned counsel for the petitioners would submit that the  
petitioners are innocent and a false case has been foisted against  
them. He would also submit that the injured already discharged from  
the hospital.



4. The learned Government Advocate(Crl.Side) would submit that the petitioners and the defacto complainant are relatives and there was a property dispute between the parties. Due to which, the petitioners abused the defacto complainant using filthy language and the first petitioner assaulted the defacto complainant with aruval. He would also submit that the injured was also discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured discharged from the hospital, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singampunari, Sivagangai 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 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;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/03/2021

/ 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, SINGAMPUNARI,  
SIVAGANGAI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
S.V.MANGALAM POLICE STATION,  
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to Mr.S.MANDHIRALINGESWARAN, Advocate SR.No.2639

ORDER  
IN  
CRL OP(MD) No.4629 of 2021  
Date :26/03/2021

LS  
PK/JC/31.03.2021 : 3P/6C