



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4947 of 2021

1. Murugan @ Muruga Naicker
2. Prabhu ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by

The Sub Inspector of Police,
Eriodu Police Station,
Dindigul District.

Cr No.93/2021.

... Respondent/Complainant

For Petitioner : M/s.Selvabharathi.K.N.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no. 93 of 2021 on the file of the respondent Police.

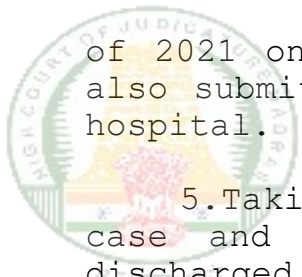
ORDER : The Court made the following order :-

The petitioners/A.1 and A.2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i)IPC and Section 4 of TNPHW Act, in Cr.No.93 of 2021, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, on 09.03.2021 at about 12.30 p.m., the accused scolded the defacto complainant with filthy language and tried to attack with stone and tear the dress.

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 has already been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and based on the complaint given by the petitioners, a criminal case has been registered in Cr.No.94



of 2021 on 14.03.2021, against the defacto complainant. He would also submit that the injured was also already 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 was 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 District Munsif cum Judicial Magistrate, Veda sandur, 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 10.00 a.m., until further orders;

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

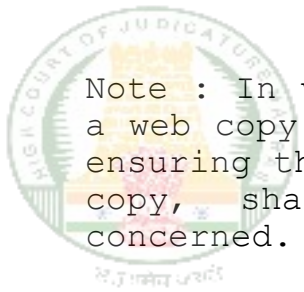
(d) the petitioners shall not abscond either during investigation or trial;

(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/-
08/04/2021

/ TRUE COPY /



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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DIST
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL
 - 3 THE SUB INSPECTOR OF POLICE
ERIODU POLICE STATION, DINDIGUL DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SELVABHARATHI.K.N. Advocate SR.No.3069

ORDER

IN

CRL OP(MD) No.4947 of 2021

Date :08/04/2021

SMA/PN/SAR-4/17/04/2021/3P/6C