



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

Date : 19/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN  
CRL OP(MD) . No.5147 of 2021

1. Sreekumar  
2. Rajesh Kumar  
3. Manohar  
4. David Alias David Selvakumar  
5. Sathosh Alias Santhosh Kumar  
6. Karuppu Alias Karupusamy  
7. Bala Alis Paul Thomas ... Petitioners/Accused No.1 to 7

Vs

The State rep by  
The Inspector of Police,  
Thruverumbur Police Station,  
Trichy District.  
Cr.No. 191/2021.

... Respondent/Complainant

For Petitioners : M/s.Haroon Rasheed.D.S.,  
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. 191 Of 2021 on the file  
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
147, 148, 294(b), 324, 354, 379 and 506(i) I.P.C and Section 4 of  
Tamil Nadu Prohibition of Women Harassment Act, in Crime No.191 of  
2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant  
is doing construction of a building for the first accused, who is  
the building Contractor. A2 in this case is an Advocate and other  
accused are the employees, who are working in the said building.  
While so, due to difference of opinion between A1 and the defacto  
complainant regarding the payment during constructions, the first  
accused stopped the work. Subsequently, the defacto complainant  
engaged some other manpower agencies and after knowing the same, the  
accused persons came there and used abusive words against the  
defacto complainant and snatched cell from phone from the defacto



complainant and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case in counter. Earlier the petitioners were attacked by the defacto complainant and hence, the first petitioner has given a complaint against the defacto complainant and his son and the same was registered in Crime No.192 of 2021, for the offence under Sections 294(b), 323 and 506(i) I.P.C. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case in counter. He further submitted that the injured person has already been discharged from the hospital and cell phone was also recovered.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent.

6.It is seen from the submissions made that due to the difference of opinion with regard to the construction and payment, the first petitioner stopped the work. Subsequently, the defacto complainant gave the work to some other builder and constructed the building. Due to this previous enmity, the occurrence has happened. Considering the nature of occurrence and also considering the fact that it is a case in counter and the injured person has already been discharged from the hospital and the cell phone had been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy 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 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 respondent police daily at 10.30 am., 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.

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[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
19.04.2021

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/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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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.VI, TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPPALLI.
- 3.THE INSPECTOR OF POLICE,  
THRUVERUMBUR POLICE STATION,  
TRICHY DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN

CRL OP(MD) No.5147 of 2021  
Date : 19/04/2021