



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5166 of 2021

1. N.Sundarapandian

2. A.Chandran

... Petitioners/Accused No.1 & 2

Vs

State through

The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District

Cr No.204/2021.

... Respondent/Complainant

For petitioners : M/s.Tamilmani.N,
Advocate.

For Respondent : M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no. 204 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 353, 332 and 506(i)IPC in Crime No.204 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant made an inspection of the work done by the father of the 1st accused, the petitioners came to the occurrence place and scolded against him and restrained him from discharge his duty and made life threat. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.side) submitted that the injured person discharged from the hospital and there is no bad antecedents as against the petitioner.

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

6.The case of the petitioners is that one S.Nagasubramanian and N.Sundarapandian were contractors of Sivagangai Municipality. Sundara Pandi and one Pandi used to behave in a threatened manner with the defacto complainant. On 04.04.2021 at about 10.00 p.m. he was doing supervising the civil work. At that time, the petitioners came there along with four unknown persons, scolded the defacto complainant in filthy language and hit with iron rod and also criminally intimidated him. The learned counsel for the petitioners submitted that a Bill for a sum of Rs.9 Lakhs was sanctioned for the work done by the father of the first accused. When that amount was demanded, the defacto complainant said to have demanded bribe. This case has been falsely foisted on the petitioners.

7.The learned Government Advocate, submitted that the injured was discharged from the hospital.

8.It is seen from the FIR that the petitioners threatened the defacto complainant with iron rod, but they did not attack with iron rod. Considering the nature of offence and also the fact that the injured is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

9.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 Court No.1, Sivagangai, 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., 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]**.

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

sd/-
09.04.2021

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

+2 CC to M/s.N.THAMILMANI, Advocate (SR-3061[I] dated 09/04/2021)

ORDER
IN
CRL OP(MD) No.5166 of 2021

Date : 09/04/2021