



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5224 of 2021

1. Selvam
2. Ajith Kumar
3. Rajesh
4. Packiyaraj
5. Senthil Kumar

... Petitioners/Accused Nos.1 to 5

Vs

State rep.by the
Inspector of Police,
Aundipatti Police Station,
Theni District.
Cr.No. 146 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Arun B,
Advocate.

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

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

PRAYER :-

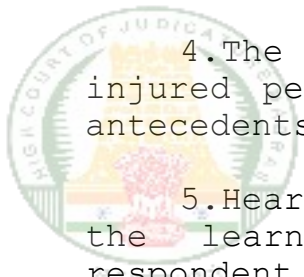
For Anticipatory Bail in Crime No.146 of 2021 on the file of the Respondent Police.

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, 294(b), 323, and 506(i)IPC in Crime No.146 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioners attacked the defacto complainant and abused with filthy language. 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.

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6.The case of the petitioners is that due to previous enmity, the petitioners attacked the defacto complainant with stone. The learned counsel for the petitioners submitted he not press the application with regard to the accused No.2 and 3/petitioners 2 and 3. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners 1, 4 and 5 and dismiss the application in respect of the petitioners 2 and 3.

7.Accordingly, the petitioners 1, 4 and 5 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, Aundipatti, on condition that the petitioners 1, 4 and 5 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 1, 4 and 5 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 1, 4 and 5 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1, 4 and 5 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1, 4 and 5 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 1, 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 1, 4 and 5 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.



8.This criminal original petition is dismissed in respect of the petitioners 2 and 3.

sd/-
09/04/2021

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/ /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
AUNDIPATTI
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI
 - 3 THE INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION, THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.ARUN B Advocate SR.No.3071

ORDER
IN
CRL OP(MD) No.5224 of 2021
Date :09/04/2021

SMA/PN/SAR-1/20.04.2021 : 3P/6C