



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

Date : 17/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5434 of 2021

1. A.Venkatesan
2. Muniyandi
3. Annadurai
4. Periasamy
5. Gokulnath

... Petitioners/Accused Nos.1 to 5

Vs

State Rep.by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No.106/2021)

... Respondent/Complainant

For Petitioners: Mr.S.Ravi,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 106/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323 and 506(ii) of IPC, in Crime No.106 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is Sholavandan Town Secretary of AIADMK political Party. On 05.04.2021 at about 10.30 p.m when the defacto complainant and his friends returned from Madurai. At that time, the petitioners said to have waylaid the defacto complainant's car and abused him in filthy language and also assaulted him. Hence, the present complaint.



3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners 2 and 3 are having five previous cases. He further submitted that there is no previous case pending against the petitioners 1, 4 and 5. He further submitted that the injured person sustained only simple injury and he has been treated as out patient.

6.Recording the submission made by the learned Government Advocate (Crl. Side) that the petitioners 2 and 3 are having five previous cases, this Criminal Original Petition stands dismissed in respect of the petitioners 2 and 3.

7.Considering the nature of offence and also considering the fact that the injured person sustained only simple injury and he has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners 1, 4 and 5 with certain conditions.

8.Accordingly, the petitioners 1, 4 and 5 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai District, 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 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 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 the Sattur Police Station, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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]***; and;

(f) if the accused/ petitioners 1, 4 and 5 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/04/2021

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

COPY TO:

THE INSPECTOR OF POLICE,
SATTUR POLICE STATION, SATTUR.

+1 CC to M/s.S.RAVI, Advocate (SR-3217[I] dated 19/04/2021)

ORDER IN

CRL OP(MD) No.5434 of 2021

Date :17/04/2021

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