



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : **27/04/2021**

WEB COPY

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.5454 of 2021

1. Manoj
2. Jana @ Janardhanan
3. Parvathy
4. Palanisamy ... Petitioners/Accused

Vs

State Rep. by
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.125/2021. ... Respondent/Complainant

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

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

PRAYER :-

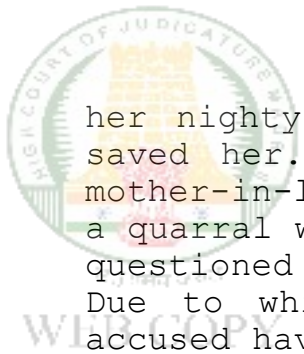
For Anticipatory Bail in Crime No.125 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294 (b), 323, 324, 506 (ii) and 379 of IPC @ 147, 294 (b), 323, 324, 506 (ii) and 379 (NP), 364 of IPC in Crime No.125 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions made that on 26.03.2021, at about 02.30 p.m., one Murugesan came under the influence of Alcohol, knocked at the door of the defacto complainant and tore



her nighty. When she raised noise, the persons around her house saved her. On the very next day, at about 08.00 a.m., when her mother-in-law was taking water, other accused namely Vasantha picked a quarrel with her mother-in-law. When her husband namely Sivakumar questioned her, he was attacked by all the accused with iron rod. Due to which, her husband suffered injury on his head and the accused have damaged chair and house hold articles, taking a cash of Rs.50,000/-, 3 ½ sovereigns of gold chain and one cell phone namely VIVO YV17 model. Therefore, this complaint came to be registered.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail. The learned counsel for the petitioners would submit that there is a counter case lodged by the father of the first accused namely, Palanisamy in Crime No.124 of 2021 also pending. This case is full of exaggerated events with false allegations.

5.The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and that three other accused in this case have been arrested and released on bail.

6.Considering the facts and circumstances of the case, the fact that this is a case and case in counter and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

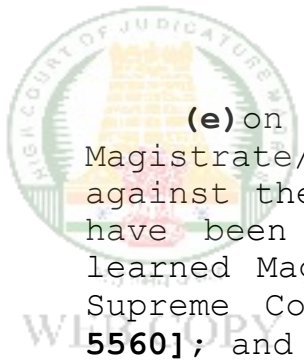
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Athur, Dindigul District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police, daily, at 10.30 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/04/2021

/ 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,
ATHUR, DINDIGUL DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.KAMATCHI.M, Advocate SR.No.3423

ORDER
IN
CRL OP(MD) No.5454 of 2021
Date :27/04/2021

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JM/SKN/SAR I/06.05.2021/3P/6C

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