



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.5517 of 2021

WEB COPY

1. Ragupathi
2. Ranjith

... Petitioners/Accused Nos. 2 & 3

Vs

The State rep by
The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk,
Madurai District.
(In Cr.No.24 of 2021)

... Respondent/Complainant

For Petitioner : Mr. Gunasekaran.C,
Advocate.

For Respondent : Ms. R. Anandhadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the respondent police.

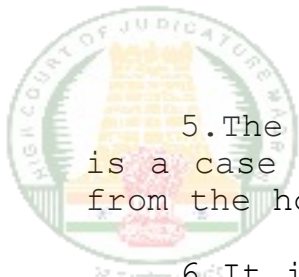
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 & 506(i) IPC, in Crime No.24 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 13.01.2021 at about 7.30 p.m., the petitioners were standing, the first petitioner questioned the *de facto* complainant, as to why he was coming this way. Thereafter, the 2nd and 3rd petitioners abused the *de facto* complainant with filthy language and also threatened the *de facto* complainant. Hence, the complaint.

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

4. The learned counsel for the petitioners submitted that it is a case in counter case. The respondent police has registered the case in Cr.No.16 of 2021 for the offence under Sections 294(b), 323, 324, 506(ii) r/w Section 4 of TNPWH Act. He further submitted that due to previous motive, the petitioners have been falsely implicated in this case.



5.The learned Government Advocate (Crl.side) submitted that it is a case in counter and injured person had already been discharged from the hospital.

6.It is seen from the submissions made that due to the previous dispute between the petitioner and the defacto complainant regarding grazing the cow, the petitioners said to have attacked the defacto complainant on 13.01.2021. Considering the facts and circumstances of the case and considering the fact that injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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, Melur, Madurai, 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]**;

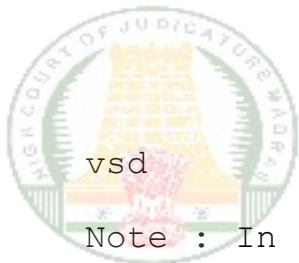
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19.04.2021

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/ /2021



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

ORDER
IN
CRL OP(MD) No.5517 of 2021
Date : 19/04/2021

VB/PN/SAR-I (22/04/2021) 3P / 5c