



WEB COPY

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.5593 of 2021

1.Priya
2.Ramakrishnan
3.Eswaran
4.Sakthivel
5.Murugan
6.Arumugam
7.Karthikeyan
8.Kamali
9.Premkumar @ Praveen Kumar
10.Naveen Kumar
11.Dhanam
12.Arunkumar

... Petitioners Nos.1 to 12 /
Accused Nos.1 to 12

Vs.

The State rep by
The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
Crime No.30 of 2021.

... Respondent/Complainant

For Petitioners: Mr.George Paul Anto. L.,
Advocate.

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

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

PRAYER :-

To Anticipatory bail in Crime No.30 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, 148, 448, 294(b), 324, 427, 506(ii) IPC and Section 4 of Tamil
Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.30 of
2021, seek anticipatory bail.



2.The case of the prosecution is that on 07.04.2021 at about 6.00 a.m. due to election enmity the accused persons attacked the defacto complainant and his wife and also damaged the defacto complainant's two wheeler and house hold articles and further threatened with dire consequences. Hence, the complaint.

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

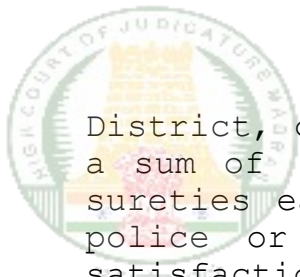
4.The learned counsel for the petitioners submitted that the case has been falsely registered as against the petitioners. In fact, the defacto complainant and her family members attacked the father-in-law of the first petitioner namely, Narayanan and caused his death. Hence, the case has been registered in Cr.No.31 of 2021 for the offence punishable under Sections 294(b), 323, 307, 506(ii) IPC and subsequently it was altered into Section 302 IPC. Since the defacto complainant and her family members assaulted the petitioners and damaged their properties, Crime No.29 of 2021 was registered against them for the offence under Sections 147, 148, 294(b), 324, 427 and 506(ii) IPC on the basis of the complaint given by second petitioner.

5.The learned Government Advocate (Crl.side) submitted that at the time of election, due to wordy quarrel, the petitioners' party members and the defacto complainant's party members attacked each other and for which, a case and counter case are pending against the petitioners and the defacto complainant. He further submitted that the injured person has been discharged from the hospital.

6.It is seen from the submissions made that the petitioners and the defacto complainant and others belonged to rival political parties. Due to political rivalry, on 07.04.2021 at about 6.30 a.m. the petitioners and others were talking in front of the house regarding the damage caused to the Car bearing Registration No.TN-59-A-1906, the defacto complainant and his family members attacked the father in law of the first petitioner with Manvetti and caused injury and later he succumbed to injury. The FIR in Cr.No.31 of 2021 under Sections 294(b), 323, 506(ii) and 302 IPC is pending against the defacto complainant and his family members.

7.Considering the facts and circumstances of the case and also considering the fact that in the counter case one Narayanan father-in-law of the first petitioner said to have been murdered by the defacto complainant and their parties, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Thiruppuvanam, Sivagangai



District, 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

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

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, THIRUPPUVANAM,
SIVAGANGAI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3. THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-3258,3266[I] dated
21/04/2021)

ORDER
IN
CRL OP(MD) No.5593 of 2021
19.04.2021

VB/PN/SAR-I (22/04/2021) 4P / 7c