



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

Date : 20/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5585 of 2021

WEB COPY

1. Selvam
2. Jeyakumar
3. Jeyapandi

... Petitioners/Accused No.1 to 3

Vs

The State rep by
The Inspector of Police,
Checkanurani Police Station
Madurai District,
(Crime No.117 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Safar Badhusha.K.,
Advocate.

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

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

PRAYER :-

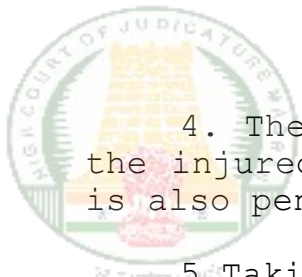
To Anticipatory Bail in Crime No.117 of 2021 on the file of
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323,506(i), 109 of IPC and Section 4 of TNPHW Act seek
anticipatory bail.

2. The case of the prosecution is that due to previous enmity
between the defacto complainant and the first accused all the
accused waylaid the defacto complainant and attacked him. Hence
the complaint.

3. The learned counsel for the petitioners would submit that
there was a previous enmity between the petitioner and the defacto
complainant and infact First Information Report has been registered
in Crime No. 117 of 2017 against the defacto complainant and
others for attacking the petitioners and subsequently the case was
altered to Section 307 of IPC and just to make the petitioners to
come to compromise this case has been foisted against the
petitioners. He would also submit that the injured has been
discharged from the hospital.



4. The learned Government Advocate (Crl.Side) would submit that the injured has been discharged from the hospital and previous case is also pending against the defacto complainant and others.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured got discharged from the hospital and also the fact that the occurrence said to have taken place due to previous enmity, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Usilampatti 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 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 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

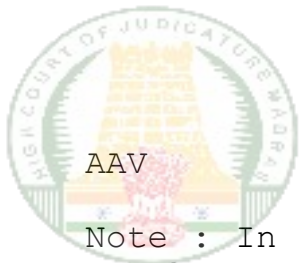
sd/-

20.04.2021

/ TRUE COPY /

/ /2021

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



AAV

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

ORDER
IN
CRL OP(MD) No.5585 of 2021
Date : 20/04/2021

VB/PN/SAR-III (23/04/2021) 3P / 5c