



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5685 of 2021

1. R.Pandiammal

2. P.Moorthy @ Kathiravan

3. R.Mohana

... Petitioners/Accused 1,3 & 4

Vs

The State by
The Inspector of Police,
Tallakulam Police Station,
Madurai City.

Cr.No. 433 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Veera Associates,
Advocate.

For Respondent : Mr.K.Dineshbabu,
Additional Public Prosecutor

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

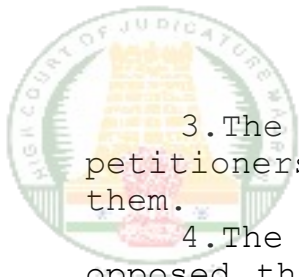
PRAYER :-

For Anticipatory Bail in Crime No.433 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, 3 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 323, 324, 341 and 506(ii) of IPC seek anticipatory bail.

2.The case of the prosecution is that on 14.04.2021 at about 10.40 a.m., when the de-facto complainant and thirty persons were celebrating Dr.Ambedkar's birthday, the petitioners and unnamed 50 persons attacked the de-facto complainant and his party men with iron rod, wooden log and sticks, as a result, one Venkatesan sustained head injuries and other party men also sustained injured. hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

4.The learned Government Advocate(Crl.Side) would strongly opposed this petition on the ground that the first petitioner is a history sheeted and she is having 10 previous cases.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the main allegation is only against A-1 and no overt act attributed against the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6.In so far as the first petitioner is concerned, taking note of the fact that she is a history sheeted and 10 previous cases are pending against her, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner.

7.Accordingly, the petitioners 2 and 3 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 No.II, Madurai, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall report before the Inspector of Police, Keeraithurai Police Station, Madurai District, daily at 10.30 am., until further orders;

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-

23.04.2021

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/ /2021

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

SJI

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 No.II, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Tallakulam Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

copy to

The Inspector of Police,
Keeraithurai Police Station,
Madurai District.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-3362[I] dated 26/04/2021)

ORDER
IN
CRL OP (MD) No.5685 of 2021

Date : 23/04/2021