



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

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PRESENT

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

CRL OP(MD) . No.5935 of 2021

1. Seelan @ Sathiyaseelan,
2. Ponsekar,
3. Rajesh @ Rajeshbabu,
4. Saran Patturaj,
5. Jaiston

... Petitioners/A1 to A5

Vs

State rep by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.
Cr.No. 81 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Manickam A.K.,
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.81 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, 148, 294 (b), 323, 427 and 506 (i) of IPC in Crime No.81 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.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.



4.The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and he opposes this petition on the ground that the first petitioner/Accused No.1, second petitioner/Accused No.2, fourth petitioner/Accused No.4 have three, two, one previous cases pending against them, respectively.

5.It is seen from the submissions made that there was previous enmity between the defacto complainant and the petitioners in connection with Narayanasamy Temple festival. On 11.04.2021, at about 10.30 a.m., when the defacto complainant along with his friends were speaking near the temple, the petitioners came in two wheelers, attacked him with stick, hands and legs, snatched his cellphone and damaged it and criminally intimidated him. Due to which, the defacto complainant suffered injury. Hence, the complaint.

6.Taking note of the fact that the first petitioner/Accused No.1, second petitioner/Accused No.2, fourth petitioner/Accused No.4 have three, two, one previous cases pending against them, respectively, this Court is not inclined to grant anticipatory bail to the first, second and fourth petitioners. Accordingly, this petition is dismissed as against the first petitioner/Accused No.1, second petitioner/Accused No.2 and the fourth petitioner/Accused No.4.

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

8.Accordingly, the third and fifth 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 No.I, Thoothukudi, 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:

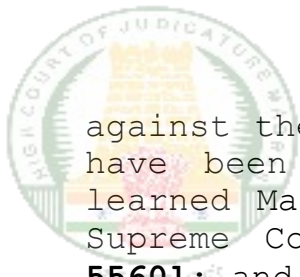
(a)the third and fifth petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the third and fifth 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.

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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 NO.I, THOOTHUKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5935 of 2021

Date : 27/04/2021

VB SKN SAR I(05/05/2021) 3P / 5c