



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5674 of 2021

1.V.Anand
2.V.Surya
3.K.Sasikumar
4.P.Thangapandi ... Petitioners/Accused No. A1, A3, A5 & A6

Vs

State Rep. By
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.64/2021)

... Respondent/Complainant

For Petitioner : Mr.Thambidurai.P.,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 64/2021 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, 294(b), 323, 427, 324, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.64 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to election dispute between the two political groups, the parties said to have attacked each other. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the

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petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the petitioners also gave a complaint against the defacto complainant and the same was registered in crime No.63 of 2021

4.The learned Government Advocate(Crl.side) strongly opposed this petition on the ground that A1 has one previous case pending against him and A6 has one previous case pending against him and A5 has three previous cases pending against him. He would further submit that injured has been discharged from the hospital.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

6.It is seen from the submissions made that due to election dispute between the two political groups, the parties said to have attacked each other and therefore a case and counter case came to be registered. It is also seen that injured person has been discharged from the hospital. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 1, 2 & 4 alone. As far as the third petitioner is concerned, he is having three previous cases pending against him and therefore, this Court is not inclined to grant anticipatory bail to the third petitioner and this criminal original petition is dismissed, as against the third petitioner.

7.Accordingly, the petitioners 1, 2 & 4 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, Vadipatti on condition that the petitioners 1, 2 & 4 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 1, 2 & 4 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 1, 2 & 4 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1, 2 & 4 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1, 2 & 4 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 1, 2 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1, 2 & 4 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/-
21/04/2021

/ TRUE COPY /

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

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

+1 CC to M/s.P.THAMBIDURAI, Advocate (SR-3291[I] dated 22/04/2021)

ORDER
IN
CRL OP(MD) No.5674 of 2021
Date :21/04/2021