



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

Date : 27/04/2021

PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN
CRL OP(MD).No.5925 of 2021

WEB COPY

1. Sureshwaran,
2. Gethanjali,
3. Gopalakrishnan @ Nanthagopal,
4. Bharathi

... Petitioners/Accused Nos.1 to 4

Vs.

State rep by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Cr.No.148 of 2021)

... Respondent/Complainant

For Petitioners: Mr. Sakthivel. G,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.148 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323, 506(i) IPC, in Crime No.148 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, on 03.04.2021 at about 7.25 p.m. the petitioners 1 and 3 attacked the defacto complainant and the petitioners 3 and 4 caused damage to the defacto complainant's dress and abused him by using filthy language and caused injury to him. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case in counter case.



The respondent police has registered the case in Cr.No.147 of 2021 as against the defacto complainant. He further submitted that the injured has already been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a case in counter case and injured has already been discharged from the hospital, 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 on their appearance before the learned Judicial Magistrate, Musiri, Trichy District, within a period of fifteen days from the date of receipt of a copy of this order, 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 said Magistrate 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 1 and 3 shall report before the respondent police daily at 10.30 a.m. until further orders and the petitioners 2 and 4 shall report before the respondent police as and when required for interrogation;

[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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27.04.2021

/ 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, MUSIRI, TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.RAGHUL PRIYAN, Advocate (SR-3510[I] dated 29/04/2021)

ORDER
IN
CRL OP(MD) No.5925 of 2021

Date : 27/04/2021

VB VR SAR I(06/05/2021) 3P / 6c