



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : **27/04/2021**

WEB COPY

PRESENT

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

CRL OP(MD) . No.5930 of 2021

1. Shanmugam  
2. Krishna Kumar  
3. Muthu Krishnan ... Petitioners/Accused No.3 to 5

Vs

State Rep.by  
The Inspector of Police,  
Kundrakudi Police Station,  
Sivagangai District.  
Crime No.54 of 2021. ... Respondent/Complainant

For Petitioners : Mr.B.Michael Sebastin,  
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.54 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, 324 and 506 (ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.54 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 the third petitioner/Accused No.5 has one previous case pending against him.

**5.**It is seen from the submissions made that there was a dispute arose of Annadhanam in the eve of Sivarathri. On the day of Pongal festival, ie., on 11.04.2021, at about 09.30 p.m., due to the previous enmity, the petitioners said to have abused the defacto complainant in filthy language and attacked him brutally. Due to which, the defacto complainant suffered injury. Hence, the complaint.

**6.**Taking note of the fact that the third petitioner/Accused No.5 has one previous case pending against him, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this petition is dismissed as against the third petitioner/Accused No.5. 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 first and second petitioners with certain conditions.

**7.**Accordingly, the first and second 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, Karaikudi, 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:

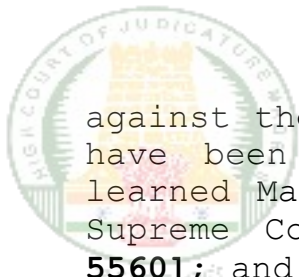
**(a)**the first and second petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

**(b)**the first and second 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.

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

ORDER  
IN  
CRL OP(MD) No.5930 of 2021  
Date :27/04/2021

SM  
MS/PN/SAR-3/12.05.2021/3P.5C