



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

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty
One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6025 of 2021

1. Muthukannan
2. Ponnusamy
3. Prabakaran
4. Muthupriya
5. Rajkumar
6. Leelavathi
7. Varsha
8. Selvi

... Petitioners 1 to 8/Accused 1 to 8

Vs

The State Rep.by
The Inspector of Police,
Emaneshwaram Police Station,
Paramakudi Sub Division,
Ramanathapuram District
(Crime No.117 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Veera Associates,
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.117 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 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.118 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. It is seen from the submissions made that with regard to the property dispute, there were previous litigations between the parties. There are cases in C.C.No.10 and 11 of 2020 pending on the file of the learned Judicial Magistrate, Paramakudi, against the petitioners and others. On 22.04.2021, at about 10.00 p.m., both the parties fought with each other and attacked each other. Due to which, defacto complainant and his associates suffered injuries. Hence, the complaint.

4. 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.

5. The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and that there is a counter case pending.

6. Considering the facts and circumstances of the case, the injured has been discharged from the hospital, this is a case and case in counter and the fact that the parties fought with each other on the date of occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the 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, Paramakudi, 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 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 petitioner Nos.1,2,3 and 5 shall report before the respondent police, daily, at 10.30 a.m., until further orders;

(c) the petitioner Nos.4,6,7 and 8 shall report before the respondent police, as and when required;

<https://hcservices.ecourts.gov.in/hcservices/>

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/04/2021

/ 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,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESHWARAM POLICE STATION, PARAMAKUDI SUB DIVISION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.3507

ORDER

IN

CRL OP(MD) No.6025 of 2021

Date :28/04/2021