



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

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PRESENT

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

CRL OP(MD). No.6101 of 2021

1. Chinnadurai @ Karuppasamy

2. Moorthy@Eswaramoorthy

...Petitioners/Accused No.2 & 3

Vs

Inspector of Police,
Karivalam Vanthanallur Police Station,
Tenkasi District.

(Crime No.169 of 2020)

... Respondent/Complainant

For Petitioners : Mr.Indrachithu.T.,
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.169 of 2020 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 294 (b), 355, 323, 324 and 506 (ii) of IPC in Crime No.169 of 2020 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, the Accused Nos.1 and 4 have been arrested and released on bail, the Accused No.2/first petitioner has one previous case in Crime No.31 of 2019 registered under Section 329 of IPC against him and the second petitioner/Accused No.3 has no previous case pending against him.

5.It is seen from the submissions made that on 03.06.2020, at about 08.30 p.m., when the defacto complainant and his friend were standing near Saravanan petti shop, the accused, namely Mariselvam, hit him with Cheppal and Chinnadurai and Bharathi attacked him with hands and legs. All the accused criminally intimidated him. As a result of which, the defacto complainant suffered injury. Hence, the complaint.

6.Taking note of the fact that the first petitioner/Accused No.2 has one previous case pending against him, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner/Accused No.2.

7.Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and A1 and A4 were released on bail, this Court is inclined to grant anticipatory bail to the second petitioner/Accused No.3 with certain conditions.

8.Accordingly, the second petitioner is 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, Sankarankovil, Tenkasi District, 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:

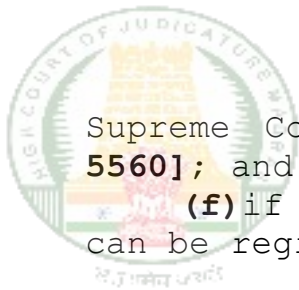
(a)the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the second petitioner 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.

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

SM

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, SANKARANKOVIL, TENKASI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. INSPECTOR OF POLICE,
KARIVALAM VANTHANALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6101 of 2021

Date : 29/04/2021

VB VR SAR I(06/05/2021) 3P / 5C