



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.6316 of 2021

WEB COPY

1.Chirumalaipandi,
2.Pandi Meena,
3.Gurusamy

... Petitioners/Accused Nos.1 to 3

Vs.

State rep by
The Sub Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
Cr.No.35 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Shanmugam.S,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.Sethu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.35 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 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 143, 147, 294(b), 323 and 506(i) IPC, in Crime No.35 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant have entered into a contract for constructing a building. After receiving the full amount, the first petitioner did not fulfil the same and did not repay the amount when the defacto complainant demanded. In this regard, a wordy quarrel arose between them. Hence, the complaint.

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



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

5. Heard Mr. Sethu, learned counsel for the intervenor.

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6. Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506 (i) IPC, all other offences are bailable in nature and the fact that the injured has already been discharged from the hospital, 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 on their appearance before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar 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 shall report before the respondent police every Monday 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]**;

[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05.05.2021

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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,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6316 of 2021

Date : 05/05/2021

VB VR SAR I(17/05/2021) 3P / 5C