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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.6370 of 2021

1. M.Pulivahanan
2. Suganya
3. R.Ochu @ Ochathevar
4. O.Sudha

... Petitioners/Accused 1 to 4

Vs

State rep. By
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No.212/2021).

... Respondent/Complainant

For Petitioners : M/s Ranjith.N,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.212/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 427, 324 and 506(ii) of IPC in Crime No.212 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.The case of the prosecution is that due to some dispute between the petitioners and the de-facto complainant, A-5 attacked one Vinotha with iron rod and all the petitioners said to have



threatened the de-facto complainant and his neighbours with dire consequences. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case and that the injured has been discharged from the hospital.

5.The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital. He further submitted that the petitioners 1 and 2 are having two previous cases.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital and the petitioners 3 and 4 are having no previous case, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4 with certain conditions.

7.In so far as the petitioners 1 and 2 are concerned, taking note of the fact that they are having two previous cases, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2. Hence, this petition is dismissed as against the petitioners 1 and 2.

8.Accordingly, the petitioners 3 and 4 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 Court, Uthamapalayam 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 3 and 4 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 petitioners 3 and 4 shall report before the respondent police every Monday at 10.30 a.m., until further orders;

(c)the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/05/2021

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

SJI/KMM

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

ORDER
IN

CRL OP(MD) No.6370 of 2021
Date : 05/05/2021

VB AKM SAR IV(18/05/2021) 3P / 5c