



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

Date : 09/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.7414 of 2021

WEB COPY

1. S.Gopinath
2. B.Kumaraguru

... Petitioners/Accused No.2 & 3

Vs

The State by
The Inspector of Police,
Thiruppulvani Police Station,
Ramanathapuram District.
Crime No.99/2021.

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash,
Advocate.

For Respondent : Mr.M.Muthu Manickam.,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.99 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 324, 506(i) of IPC in Crime No.99 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that on 07.04.2021 at about
08.00 p.m., when the defacto complainant was sitting along with his
wife, uncle and children, the petitioners/accused scolded the
defacto complainant by using filthy language as he has informed the
Police about the illegal removal of sand by the petitioners. Hence
the complaint.

3.The learned counsel for the petitioner submitted that the
petitioners are innocent persons and he did not commit any offence
as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) appearing
for the State, on instructions, would submit that the injured was
discharged from the hospital. He would further submit that the
first petitioner has one previous case against him. However, he
raised objections for grant of anticipatory bail to the petitioners
by saying that the investigation is still pending.



5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent.

6. Taking into consideration the facts and circumstances of the case and also the fact the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.1, Ramanathapuram District, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of 15 days, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation. On such execution of bond before the concerned Magistrate, the own bond executed before the respondent Police shall stand cancelled automatically.

(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.

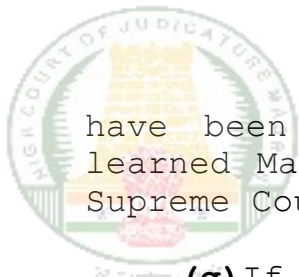
(b) the petitioner/2nd accused is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the petitioner/ 3rd accused is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.1, Ramanathapuram District.

(c) the petitioners shall report before respondent police daily at 10.30 am., until further orders.

(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]**.

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

Sd/-
09/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 NO.1,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPPULVANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7414 of 2021
Date : 09/06/2021