



WEB COPY

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.6388 of 2021

1. Kowsikan
2. Arunkumar

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by its
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Crime No.147/2021.

... Respondent/Complainant

For Petitioners : Mr.N.Sudhagar Nagaraj,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

For Intervenor : Mr.D.Sathiya Ram, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.147/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2 apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323 & 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.147 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.04.2021 at about 7.00 p.m, while the defacto complainant along with his family and friends were going to attend the Chariot Festival, the petitioners



and 10 others attacked the defacto complainant. 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 grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in this case, the injured has already been discharged from the hospital and no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Musiri, 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 Viralimalai police station 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]**;

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

sd/-
05/05/2021

/ 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, MUSIRI.
- 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION, TRICHY DISTRICT.

+1. CC to Mr.N.SUDHAGAR NAGARAJ, Advocate SR.No.3664

ORDER

IN

CRL OP(MD) No.6388 of 2021

Date :05/05/2021

VSD

AE/VR/SAR-IV/18.05.2021/2P/7C