



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

Date : 21/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)Nos.7350 & 7355 of 2021

1.Kannan Maharaja
2.Munichamy
3.Muthu Karuppaih
4.Vijaya
5.Radhakrishnan
6.Muthkrishnan

...Petitioners/ Accused No.2 to 7
in Crl.O.P.(MD)No.7350 of 2021

Vijay Anand

... Petitioner/ Accused No.1
in Crl.O.P.(MD)No.7355 of 2021

Vs

State Rep.by
The Inspector of Police,
S.S Kottai Police Station,
Karaikudi, Sivagangai District.
(Crime No.32 of 2021)

...Respondent in both Crl.O.Ps.

Ramakrishnan

... Intervenor/ Defacto Complainant
IN CRL MP(MD)Nos.3978 and 4016 of 2021
IN CRL OP(MD)No.7355 and 7350 of 2021

For Petitioners : Mr.R.Gandhi, Advocate for
Mr.R.M.Arun Swaminathan, Advocate
in Crl.O.P.(MD)No.7350 of 2021

: Mr.R.Gandhi, Advocate for
for Mr.P..Thoothai Munisamy, Advocate
in Crl.O.P.(MD)No.7355 of 2021

For Respondent : Mr.M.Muthumanikkam,
(in both Crl.O.Ps.) Government Advocate (Crl.Side)

For Intervenor : Mr.M.Murugesan, Advocate
(in both Crl.O.Ps.)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.,

COMMON PRAYER :-For Anticipatory Bail in crime No.32/2021 on the
file of the respondent police

<https://hcservices.ecourts.gov.in/hcservices/>



COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 325, 448, 109 and 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act in Crime No.32 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 17.04.2021, due to previous enmity, the accused in this case said to have illegally trespassed into the house of the defacto complainant and attacked him and his wife. As a result, the defacto complainant lost his tooth and he also suffered other injuries and his wife also suffered injuries. Hence, the present case came to be registered for the offence under Sections 294(b), 323, 324, 325, 448, 109 and 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that during the course of investigation, the respondent police found that the allegations made in the complaint are totally false and this complaint was given by exaggerating the incident. On investigation, the respondent police came to the conclusion that there is no material to implicate A2 to A4 and there is no evidence to prove that they were present in the scene of occurrence at the relevant point of time. It is also stated in FIR there is no material to prove that A5 to A7 instigated the other accused to commit the offence and therefore, alteration report has been filed by deleting A2 to A7 from this case. Relying upon the same, the learned counsel for the petitioners seeks anticipatory bail to the petitioners.

4.The learned counsel for the intervenor/defacto complainant strongly opposed this petition on the ground that the police has not properly investigated the case and in the incident, the defacto complainant lost his two teeth and his wife suffered injuries. Hence, he seeks dismissal of this petition.

5.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is not completed.

6.Taking note of the recent development after the dismissal of the earlier anticipatory bail petition in Crl.O.P(MD)No.5744 of 2021 dated 26.04.2021, by way of filing alteration report stating that there is no material to show the involvement of A2 to A7 in Crl.O.P(MD) No.7350 of 2021 in the commission of offence and the fact that injured person has already been discharged from the hospital and also the fact that material part of the investigation in this case is completed, this Court is inclined to grant anticipatory bail to the petitioner/A1 in Crl.O.P.(MD)No.7355 of



7. So far as the petition in CrI.O.P.(MD)No.7350 of 2021 is concerned, it is reported that all the petitioners' names were deleted from FIR and hence, this petition is closed.

8. Accordingly, the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Singampunari, Sivagangai District on condition that the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 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/A1 in CrI.O.P.(MD)No.7355 of 2021 shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 shall not abscond either during investigation or trial.

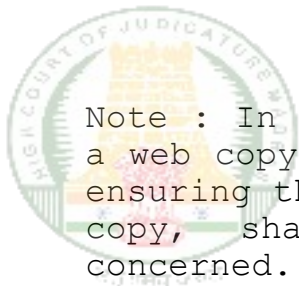
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 in accordance with law as if the conditions have been imposed and the petitioner/A1 in CrI.O.P.(MD)No.7355 of 2021 released 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/06/2021

/ 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.

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TO

1. THE JUDICIAL MAGISTRATE, SINGAMPUNARI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
S.S KOTTAI POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) Nos. 7350 & 7355 of 2021
Date : 21/06/2021

GNS
MS/PN/SAR-3/24.06.2021/4P.5C