



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

WEB COPY

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP (MD) No.6405 of 2021

1. Kandasamy
2. Ashok @ Ashok Kumar
3. Athi @ Atheeswaran
4. Jegan @ Jeganeethan

... Petitioners/Accused
No.1 to 4

Vs

State Rep. by
The Inspector of Police,
Kalayarikoil Police Station,
Sivagangai Dist
Crime No.152/2021.

... Respondent/Complainant

For Petitioners : Mr.Kannan. V, Advocate.

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

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

PRAYER :-

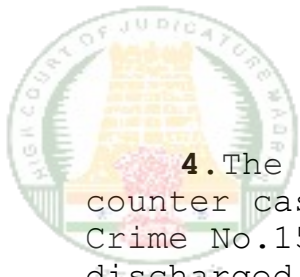
For Anticipatory Bail in Crime No.152/2021 on the file of the respondent police.

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 294 (b), 323, 324 and 506(ii) of IPC in Crime No.152 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 land dispute, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners said to have abused him with wooden log. Hence, the present complaint.



4. The learned counsel for the petitioners would submit that a counter case has been registered against the de-facto complainant in Crime No.154 of 2021. He would also submit 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 and that no previous case is pending against them.

6. Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital and the fact that except 506 (ii) of IPC, other offences are bailable offences, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai 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 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 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]**; and

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/05/2021

/ TRUE COPY /



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.I, SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KALAYARIKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6405 of 2021
Date :05/05/2021

SJI
TE/VR/SAR-IV : 18/05/2021 : 3P/5C