



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7188 of 2021

1. Prabhakaran
2. Hari Krishnakumar ... Petitioners/Accused No.2,5

Vs

The State Represented by
The Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No.116/2021. ... Respondent/Complainant

For Petitioners: Mr.A.Arputharaj,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.116 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 147, 148, 323, 324, 294(b), 448, 506(ii) of IPC and Section 3(1) of TNPPDL Act in Crime No.116 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 06.04.2021 at about 08.30 p.m, the defacto complainant and his brother Sivasakthi were buying Parotta in Poorna Mess, at that time, the petitioners and their friends namely, Manikandan, Shanmugam and Vishnu and three unidentified persons came there and abused the defacto complainant by using filthy language and also assaulted him with knife on his left shoulder and the other accused attacked the defacto complainant with wooden log. Due to the injuries sustained, the defacto complainant was admitted in the hospital for taking



treatment. Again, the petitioners and other accused persons said to have illegally trespassed into the hospital and assaulted the defacto complainant and his friend and mother with hands. Hence the complaint.

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 already the Accused Nos.1 and 3 were granted anticipatory bail by the District and Session Judge, Theni. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal side) appearing for the respondent, on instructions, submitted that the Accused Nos.1 and 3 were already granted anticipatory bail by the District and Session Judge, Theni. He further submitted that some of the accused were absconding and therefore, investigation is pending. Hence, he raised objections for the grant of anticipatory bail to the petitioners.

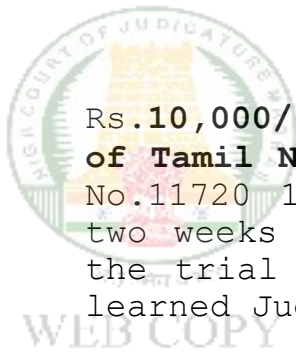
5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

6.Taking into consideration the facts and circumstances of the case and also the fact that already District and Sessions Court granted anticipatory bail to the accused Nos.1 and 3, 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 by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each 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, Bodinayakanur, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each 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 petitioners are directed to deposit a sum of



Rs.10,000/- (Rupees Ten 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 their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Bodinayakanur.

(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 petitioner 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.

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,
BODINAYAKKANUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER

IN

CRL OP (MD) No.7188 of 2021

Date :09/06/2021

KMM

SRS/JC/SAR-II/15.06.2021/4P/6C