



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

Date : 06/05/2021

PRESENT

THE HON'BLE MRS JUSTICE S.ANANTHI

CRL OP(MD) . No.6539 of 2021

1. B.Muthukumar
2. B.Mahalingam
3. Gengaiswaran

... Petitioners/Accused Nos.1 to 3

Vs

State Rep.by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.100 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Vinothkumar.B.,
Advocate.

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

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

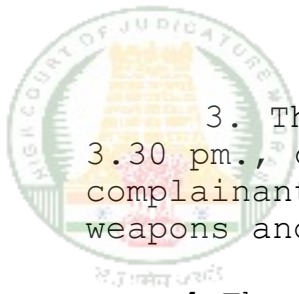
PRAYER :-

For Anticipatory Bail in Crime No.100 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 506(II) of I.P.C., in Crime No.100 of 2021 on the file of the respondent police, seeks anticipatory bail.



3. The case of the prosecution is that On 26.04.2021 at about 3.30 pm., due to previous enmity, the petitioners abused the defacto complainant with filthy language and attacked him with deadly weapons and also gave life threat. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl.Side) would submit that the injured were treated as out patient and no previous case is pending against them.

6. Considering the facts and circumstances of the case, the fact that the injured were treated as out patient 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, Tiruvadanai, Ramanathapuram District 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 on 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/-
06/05/2021

WEB COPY

/ 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,
TIRUVADANAI, RAMANATHAPURAM DISTRICT.
 2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.B.VINOTHKUMAR, Advocate SR.No.3667

ORDER
IN
CRL OP(MD) No.6539 of 2021
Date : 06/05/2021

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AE/VR/SAR-1/20.05.2021/3P/6C