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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

PRESENT

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRL OP (MD) No.6632 of 2021

1.Viswanathan

2.Pushpam

3.Santhosh @ Muthukaruppan ... Petitioners/Accused 1 to 3

Vs

State Rep by
The Sub-Inspector of Police,
Velayuthapattinam Police Station,
Savaging District,
(Crime No.28/2021) ... Respondent/Complainant

For Petitioner : M/s.S.M.Sanjay
Advocate.

For Respondent : Mr.M.V.Chandrasekaran
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.28 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 294(b), 323, 324 & 506)ii) IPC and 4 of TNPWH Act in Crime No.28 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant with Aruval and wooden stick. Hence, this complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4. 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.

5. The learned Government Advocate submitted that no previous case is pending against the petitioners and the injured person is discharged from the hospital.

6. Considering the fact that the issue involved in this case is civil dispute and the fact that the injured was discharged from the Hospital, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Devakottai and on further conditions that:

[a] 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 are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c] the petitioners shall report before the respondent police, as and when required.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 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]**.



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

sd/-
12/05/2021

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/ /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, DEVAKOTTAI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE BRANCH MANAGER,
IOB, SECRETARIAT BRANCH, CHENNAI-9
(ACCOUNT NO.11720 10000 00070, IFSC CODE: IOBA0001172)

ORDER
IN
CRL OP(MD) No.6632 of 2021
Date :12/05/2021

CSL/MNR/SAR-4/20.05.2021: 3P/6C