



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

Date : 13/05/2021

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6728 of 2021

1. Muniyandi
2. Muthupandi

... Petitioners/Accused No.4 & 5

Vs

State Rep. by
The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
Crime No.35 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Karuppasamy Pandiyan.G,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

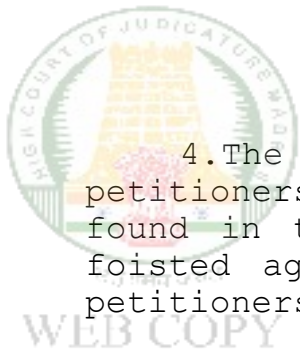
PRAYER :- For Anticipatory Bail in Crime No.35 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 143, 147, 294(b), 323 and 506(i) IPC, in Crime No. 35 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute due to which, the first accused and the third accused attacked the defacto complainant and he sustained simple injuries. He further submitted that some unknown persons abused the defacto complainant with filthy language. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the



4.The learned counsel for the petitioners submitted that the petitioners are innocents and the names of the petitioners were not found in the First Information Report and a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.side) submitted that the injured person had already been discharged from the hospital and he has strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the injured had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukkottai, within a period of fifteen days from the date of receipt of a copy of this order, on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition 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 card or Bank pass Book to ensure their identity;

[b]the petitioners are directed to deposit a sum of Rs.500/- (Rupees Five hundred only) 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 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/05/2021

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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, ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.6728 of 2021
Date :13/05/2021

msa/cm
JM/MNR/SAR I/20.05.2021/3P/6C