



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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD).No.6850 of 2021

1.Jeyapaul
2.Jegan
3.Gobi @ Gobirajan
4.Murali @ Muralidass
5.Penat
6.Rajan
7.Immanuvel
8.Inbaraj
9.Prabhu

... Petitioners/Accused Nos.1 to 9

Vs

The State rep.by,
The Inspector of Police,
Thirukkurunkudi Police Station,
Tirunelveli District.
Crime No.96 of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.Pon Karthikeyan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

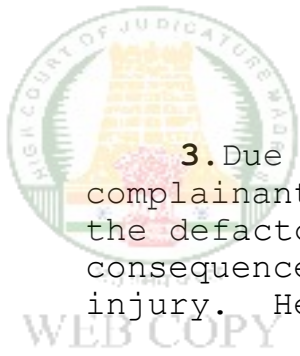
PRAYER :-

For Anticipatory Bail in Cr.NO.96 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 offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Women Harassment Act in Crime No.96 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.



3. Due to land dispute between the petitioners and the defacto complainant, the accused persons said to have abused and assaulted the defacto complainant and two others and threatened them with dire consequences. As a result, the defacto complainant sustained simple injury. Hence, this case has been registered.

4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and a counter case in Crime No.95 of 2021 has been registered for the offence under Sections 147, 148, 294(b), 323, 324 of IPC.

6. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and it is a case and counter case, this Court is inclined to grant anticipatory bail to the petitioners on 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 (common sureties) each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Valliyoor, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties (common sureties) for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

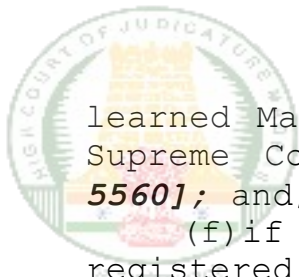
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police, once in two weeks i.e., on 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
19/05/2021

/ 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, VALLIYOOR,
TIRUNELVELI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUKKURUNKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.R.PON KARTHIKEYAN, Advocate SR.No.3713

ORDER
IN
CRL OP(MD) No.6850 of 2021
Date :19/05/2021

LS/MRN
PK/AKM/SAR-III/25.05.2021 : 3P/6C