



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6988 of 2021

1. Jayakodi,
2. Chandran, S/o, Sivalingam.
3. Selvam, S/o, Sivalingam.
4. Rajaguru,

... Petitioners/Accused Nos.1 to 4

Vs

The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No.94 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Ramu.M.,
Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

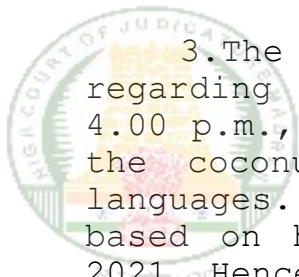
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 94 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), 352, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.94 of 2021, on the file of the respondent police, seek anticipatory bail.



3.The case of the prosecution is that due to previous enmity regarding land between the family members, on 04.05.2021 at evening 4.00 p.m., when the defacto complainant and his son were harvesting the coconut, the petitioners attacked them by scolding filthy languages. Thereafter the defacto complainant was hospitalized and based on his statement, a case was registered in Crime No.94 of 2021. Hence, the present complaint.

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4.The learned counsel for the petitioners would submit that the petitioners are 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. Further, he would submit that on the complaint lodged by the first petitioner, there is a case in counter pending before the same police station in Crime No.95 of 2021 for the alleged offences under Sections 147, 148, 294(b), 324 and 506(ii) of IPC.

5.The learned Additional Public Prosecutor, on instructions, would submit that the injured person was discharged from the hospital.

6.Considering the above and also the fact that the injured person was discharged from the hospital and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

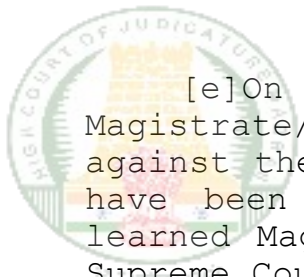
7.The petitioners shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate, Pattukottai, Thanjavur District, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Pattukottai, Thanjavur District 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 report before the respondent police as and when required for interrogation.

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

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

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

sd/-
26/05/2021

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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.

PKN

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI,
THANJAVUR DISTRICT.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.AT COMBAKONUM
- 3 THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6988 of 2021
Date :26/05/2021