



WEB COPY

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

Date : 26/05/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7099 of 2021

1. M.Muruganantham
2. S.Murugesan

... Petitioners/Accused No.1&5

Vs

The State Rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No. 101 of 2021

... Respondent/Complainant

For Petitioners : Mr.Ramanathan K,
Advocate.

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

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

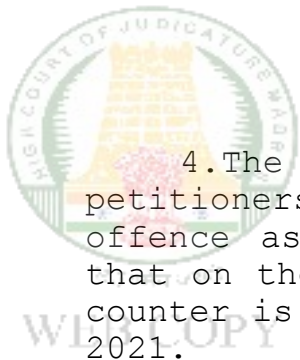
PRAYER :-

For Anticipatory Bail in Crime No.101 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 324 and 506(ii) of I.P.C., in Crime No.101 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.04.2021, at about 03.00 p.m., due to the previous enmity, there was a wordy quarrel arose between the defacto complainant and the petitioners and due to which, the petitioners along with other accused persons attacked the defacto complainant with wooden sticks and threatened him with dire consequences.



4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they had not committed any offence as alleged by the prosecution. Further, he would submit that on the complaint lodged by the petitioners, there is a case in counter is pending before the same police station in Crime No.100 of 2021.

5.The learned Additional Public Prosecutor submits that the injured person has been discharged from the hospital on 28.04.2021.

6.Considering the facts and circumstances of the case and considering the fact that a case in counter case is pending against the defacto complainant as party and that the injured person has been 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 their surrender before the learned District Munsif-cum-Judicial Magistrate, Thiruvadanai, Ramanathapuram 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) each 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 concerned Judicial Magistrate 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 petitioner 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**



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

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sd/-
26/05/2021

/ /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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : 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.

ORDER
IN
CRL OP(MD) No.7099 of 2021
Date :26/05/2021

TM
TE/VR/SAR-I : 31/05/2021 : 3P/5C