



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

Date : 07/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.7237 of 2021

1. Boopathy Raja
2. Srinath @ Kasinathan
3. Vinothkumar
4. Gunasekaran

... Petitioners/Accused No.1 to 4

Vs

State Rep.by
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
Crime No.107/2021.

... Respondent/Complainant

For Petitioners : Mr.S.M.Sanjay,
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. 107 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest by the respondent police for the offence punishable under Sections 294(b), 323, 324 and 506 (ii) I.P.C., and Section 4 of TNPWH Act in Crime No.107 of 2021, on the file of the respondent Police, have filed the present anticipatory bail petition.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the *de facto* complainant, which resulted in both the parties attacking each other. There is a case and counter in Crime Nos.107 and 108 of 2021.

3. The learned counsel appearing for the petitioners submitted that the entire incident had taken place in a heat of the moment and a false case has been foisted against the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the injured has been discharged from the hospital and that the investigation is pending both in the case and counter case.

WEB COPY

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

6. Taking into consideration the above facts and circumstances of the 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 bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Devakottai and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each 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 bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books 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]**; and



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

sd/-
07/06/2021

/ TRUE COPY /

WEB 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, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVEGAMPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7237 of 2021
Date :07/06/2021

TSG
MS/PN/SAR-2/10.06.2021/3P.5C