



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

Date : 25/06/2021

PRESENT:

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). Nos.7694 & 7670 of 2021
(Through Video Conference)

1. Saran Patturaj
2. Ponsekar ... Petitioners / Accused No.2 & 4
in both the petitions

Vs

State rep. by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District. ... Respondent/Complainant
in both the petitions

Crime No.80 of 2021. ... In CRL OP(MD). No.7694 of 2021

Crime No.81 of 2021. ... In CRL OP(MD). No.7670 of 2021

In both the Petitions :

For Petitioners : Mr.Jayaramachandran.A,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

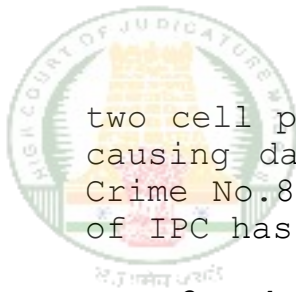
COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.80 & 81 of 2021 on the file
of the Respondent Police.

COMMON ORDER: The Court made the following order :

The petitioners/accused 2 & 4, who apprehend arrest at the
hands of the respondent police for the alleged offences punishable
under Sections 147, 294(b) 323, 427 and 506(ii) of IPC, in Crime
Nos.80 and 81 of 2021, seek anticipatory bail.

2.The case of the prosecution in Crl.O.P.(MD) No.7694 is that
on 11.04.2021 at about 10:00 a.m. in connection with an earlier
incident with one Sasikumar, the accused came to the spot in
motorcycle with wooden logs and scolded the de facto complainant
and took him to the police station. As a result, he suffered injuries. They also took



two cell phones, namely Samsung S9 and Read me 12 Pro and broken it causing damage to the tune of Rs.60,000/-. Therefore, the case in Crime No.80 of 2021 under Sections 147, 294(b) 323, 427 and 506(ii) of IPC has been registered.

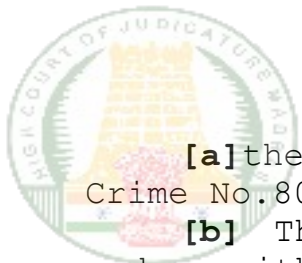
3. The case of the prosecution in Crl.O.P.(MD) No.7670 of 2021 is that there was previous enmity from 09.04.2021. There was a wordy quarrel between the de facto complainant in connection with Temple festival. Due to that incident on 11.04.2021 at about 10:30 a.m. the accused has come there in two wheeler with wooden logs and scolded him in filthy language and attacked him using the wooden log. They also broke Real Me II Pro Cell phone worth about Rs.12,000/- and a case in Crime No.81 of 2021 under Sections 147, 294(b) 323, 427 and 506(ii) of IPC has been registered. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. In fact, the petitioner Ponsekar was attacked by the de facto complainant party and he has given a complaint and the same was registered in Crime No.82 of 2021 for the offence under Sections 294(b), 324, 506(ii) of IPC. Therefore, the petitioners seek anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not completed. He submitted that the injured in both the cases have been discharged from the hospital.

5. A reading of the First Information Report shows that there were atleast two incidents on 11.04.2021 in which the petitioners said to have involved and attacked the de facto complainant, and in those cases Ponsekar was also said to have been attacked by other party. The injured in both the cases have been discharged. However, it is alleged that in Crime No.80 of 2021, the accused has damaged two cell phones worth Rs.60,000/- and in Crime No.81 of 2021, one cell phone worth about Rs.12,000/- was said to have been damaged by the accused.

6. Taking all those factors into consideration, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.1, Thoothukudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further



[a]the petitioners shall jointly should deposit R.30,000/- in Crime No.80 of 2021 and Rs.10,000/- in Crime No.81 of 2021.

[b] The learned trial Judge is directed to pass appropriate orders with regard to disbursement of the above said amount at the conclusion of the trial.

[c]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;

[d]the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f]the petitioners shall not abscond either during investigation or trial;

[g]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]**;

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

sd/-

25/06/2021

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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 NO.I,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

ORDER
IN
CRL OP (MD) . Nos.7694
& 7670 of 2021
Date :25/06/2021

sts
JM/PN/SAR II/30.06.2021/4P/5C