



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7998 of 2021

1.Eswaravel @ Sakthivel
2.Murugan @ Murugesh
3.Ilayaraja
4.Arumugam
5.Vennila

... Petitioners/Accused
No.1 to 5

Vs

The State rep.by
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
Crime No.157 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.Suresh,
Advocate.

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

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

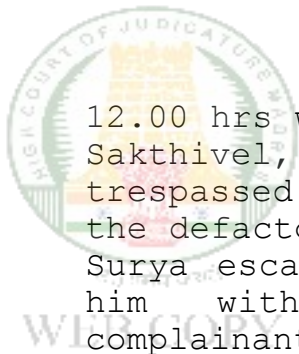
PRAYER :-

For Anticipatory Bail in Crime No.157 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 147,148,448,307,323,506(ii) of IPC and Section 4 of TNPHW Act in Crime No.157 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 12.05.2021 at about 11.45 hrs when the defacto complainant's son Suriya was standing in front of his house, the accused Sakthivel after taking bath came in a two wheeler along with his wife, drove the vehicle in a rash manner and was about to dash against the son of the defacto complainant. When her son asked him why he was driving the two wheeler in a rash manner Sakthivel scolded him and threatened him and told that he would teach him a lesson. On the same day at about



12.00 hrs when the defacto complainant and his son were in the home, Sakthivel, Murugesh, Ilayaraja, Arumugam came with aruval, illegally trespassed into the house and Sakthivel tried to attack the son of the defacto complainant with aruval with an intention to murder him. Surya escaped from the attack. However all the accused had beaten him with hands and legs indiscriminately. When the defacto complainant tried to intervene she was also attacked by the wife of the Sakthivel and they all criminally intimidated them and left the scene of occurrence. 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. He would also submit that a counter case has been registered in Crime No. 158 of 2021 for the offences under Sections 147,148,294(b),427, 324, 506(ii) of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act based on the complaint given by the first accused.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However, he fairly conceded that the injured was treated as out patient.

5.Taking into consideration the facts and circumstances of the case and the fact that the injured was treated as out patient and also the fact that a counter case has been registered against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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, Ambasamudram 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 condition that:

[a]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;

[b]the petitioners shall report before the respondent police, daily 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]**;

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

sd/-
18/06/2021

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

ORDER
IN
CRL OP(MD) No.7998 of 2021
Date :18/06/2021

AAV
TK/AKM/SAR.2/23.06.2021/3P/5C