



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7992 of 2021

1. Kannan
2. R.Krishnasamy
3. P.Mariyappan

... Petitioners/Accused No.1to3

Vs

The State rep. by
The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
Crime No. 194 of 2021.

... Respondent/Complainant

For Petitioners: Mr.G.Thalaimutharasu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.194 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.194 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 when the defacto complainant and other were playing cricket at about 2.30 hrs there was a fight between the defacto complainant and one Kannan in connection with picking up the ball. As a result the Kannan hit him and also abused one Velladurai who came in support of the defacto complainant. Thereafter the father of the said Kannan, Krishnasamy picked up a stick near by and hit the defacto



complainant and Velladurai and the other accused criminally intimidated him. Hence the complaint.

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 further submit that counter case has been registered against the defacto complainant in Crime No.195 of 2021 for the offences under Sections 294(b),323,324 and 506(ii) of IPC based on the complaint given by the first petitioner.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation is pending. He would further submit that three previous cases are pending against the first petitioner under Sections 294(b) of IPC, 75 of IPC and 109 of Cr.P.C. 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 counter case has been registered based on the complaint given by the first petitioner and also the fact that the injured was discharged from the hospital and the fact that the previous cases pending against the first petitioner relate only minor offences, 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 No.II, Kovilpatti 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:

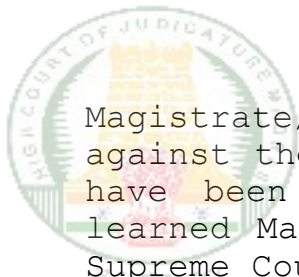
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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 NO.II,
KOVILPATTI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7992 of 2021
Date :18/06/2021

AAV
SRS/AKM/SAR-III/23.06.2021/3P/5C