



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8170 of 2021

1. Palaniyarasu @ Palani Arasu
2. Thobbulan @ Rajkumar @ Muniyasamy
3. Anbalagan @ Anbazhagan
4. Kumar
5. Rani

... Petitioners/Accused No.1 to 5

Vs

State Rep. by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
Crime No.154 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Vishnuram.G,
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.154 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 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.154 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 at about 07.00 p.m, when Palaniyarasu had driven the TATA Ace vehicle without indicator and hit against the two wheeler driven by Ajithkumar, when the said Ajithkumar questioned Palaniyarasu, he scolded him in filthy language. When the de-facto complainant and Muthukumar tried to pacify them, the other accused joined together and scolded the complainant in filthy language and the said Palaniyarasu



also attacked the de-facto complainant with spade on his head and one Rajkumar attacked him with aruval on his head. Muthukumar was beaten by Prabhu. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that a counter case has been registered against the de-facto complainant in Crime No.153 of 2021 and it is pending. He further submitted that the injured has been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) submitted that investigation in this case is not completed. He fairly conceded that the injured has been discharged from the hospital

5.Taking into consideration the facts and circumstances of the case and the fact that this is a case and case in counter and the fact that the injured has been discharged from the hospital, 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, Paramakudi, 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/-
23/06/2021

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

ORDER
IN
CRL OP(MD) No.8170 of 2021
Date :23/06/2021

sjj
JM/PN/SAR IV/28.06.2021/3P/5C