



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8164 of 2021

Murugan @ Durai Murugan

... Petitioner/Accused No.8

Vs

State Rep. by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.334 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Muralikumar,
Advocate.

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

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

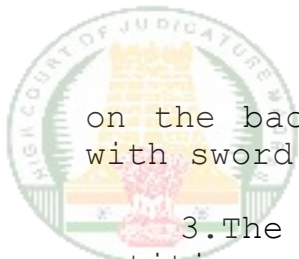
PRAYER :- For Anticipatory Bail in Crime No.334 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 427, 506(ii) and 307 of IPC, in Crime No.334 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.06.2021 at about 07.00 p.m., the accused persons came to the scene of occurrence with sword and aruval and damaged the chairs in front of the house of one Anandaraj. They stated that they came to murder Anandaraj. Since he was not there, they went to the house of Ariyaraj. As a result, the complaint was given in this regard. Again on 16.06.2021 at about 05.00 p.m., when Ariyasamy and Sathish were standing near Muniyappasamy Temple, the accused, Balamurugan, Marippandi, Puravi @ Mukeshkannan came with sword and Sathish, Rajesh, Ashok kumar, Vishnu and Murugan were came with aruval and scolded them in filthy language and questioned them, why they gave complaint against them

<https://hdservices.hcort.gov.in/hdservices/> The said Balamurugan attacked Ariyasamy with sword



on the back side of his head. Marippandi also attacked Ariyasamy with sword on his hip. Therefore, the case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that there is no specific overt act against him and he has not attacked the victim. Therefore, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed. He further submitted that A2, A3 and A6 were already arrested and released on bail and the other accused are absconding. He further submitted that the injured was treated as out patient.

5.Taking into consideration the facts and circumstances of the case and the fact that there is no specific allegation against the petitioner that the petitioner had not attacked the injured, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner 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 petitioner shall report before the respondent police, daily morning at 10.30 a.m. and evening at 05.00 p.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner 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

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

ORDER
IN
CRL OP(MD) No.8164 of 2021
Date :23/06/2021

sj i
JM/VR/SAR III/28.06.2021/3P/5C