



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8181 of 2021

1. Thangarasu @ Mahalingam
2. Anburaj
3. Ajithkumar ... Petitioners/Accused A1 to A3

Vs

State represented by
The Sub Inspector of Police,
Thogaimalai Police Station,
Karur District.
In Crime No. 661 of 2020. ... Respondent/Complainant

For Petitioners : Mr.A.Lourdu Raj,
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.661 of 2020 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), 342, 324 and 506(ii) of IPC, in Crime No.661 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and Gandhimathi had agricultural lands side by side. Gandhimathi lands are being cultivated by the accused. There is a dispute between the de-facto complainant and the accused with regard to the watering the lands through the water channel. On 04.10.2021 at about 11.00 noon, the accused had damaged the land of the de-facto complainant. When he questioned, the accused scolded him in filthy language and the accused-Auburaj attacked the de-facto complainant



with the handle portion of the spade, other accused facilitated them by holding the de-facto complainant. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with 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.I, Kulithalai 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

/ 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.I,
KULITHALAI.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
THOGAIMALAI POLICE STATION,
KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8181 of 2021
Date :23/06/2021

SJI
AE/JC/SAR-II/29.06.2021/3P/5C