



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8196 of 2021

1. Solairajan
2. Dinesh
3. Manikandan
4. Dhanakumar
5. Saravanakumar

... Petitioners/Accused No.1 to 5

Vs

State Rep. by
The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.
(Crime No.58/2021).

... Respondent/Complainant

For Petitioner : M/s.Rajeswari.A.S.,
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.58/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 427 and 506(ii) I.P.C., and Section 4 of TNPWH Act in Cr.No.58 of 2021, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that at about 05.30p.m., on 14.06.2021, an incident was happened with regard to attack made against Soundararajan @ Gopi. At about 08.30 p.m., on the same day, when the defacto complainant and her mother-in-law - Marimuthu, sister-in-law - Priyadharshini were standing in their house, they heard a noise of breaking a glass. On coming out, they found that the front glass in TATA ACE TN-63-AP-0385 was broken. The accused ~~who had broken and damaged the vehicle. When the~~



defacto complainant raise hue and cry, the accused attacked Marimuthu and the defacto complainant. Therefore, this case came to be registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they are falsely implicated in this case. There is also a case registered on the basis of the complaint given by Accused's father Rajendran in Cr.No.59 of 2021 for the offences under Sections 147, 294(b), 323, 427 and 506(ii) I.P.C..

4. The learned Government Advocate (Crl.Side) appearing for the State opposes this petition on the ground that the investigation in this case is not yet completed. Further he submitted that the injured has been discharged from the hospital.

5. Taking note of the fact that there is a case and counter 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 certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 to 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**



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/06/2021

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

ORDER
IN
CRL OP(MD) No.8196 of 2021
Date :24/06/2021

SSL
JM/PN/SAR III/29.06.2021/3P/5C