



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.8191 of 2021

1. Neethi @ Neethirajan
2. Kulanthaivelu @ Kulanthaivel
3. Paramalai
4. Tharmar

... Petitioners/Accused No.1 to 4

Vs

Stae rep by
The Inspector of Police,
Theriruvveli Police Station,
Ramanathapuram District.
Crime No.59 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh
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.59 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 452, 323, 324 and 506(2) of IPC, in Crime No.59 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a monetary dispute between the wife of the de-facto complainant and one Mayilvaganan. Therefore, a police complaint was given in this regard against the said Mayilvaganan. On 17.06.2021 at about 04.30 p.m., when the de-facto complainant was in his house, the accused had come there and scolded him in filthy language and they also attacked the de-facto complainant with hands. The first accused attacked the de-facto complainant with spade on middle of his head and the other accused also attacked the de-facto complainant with wooden logs and caused injuries. 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. Therefore, he seeks anticipatory bail to the petitioners.

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 the first accused is having a previous case in Crime No.40 of 2017.

5.At this juncture, the learned counsel for the petitioner wants to not press this petition against the first petitioner/A1. Therefore, this petition is dismissed as withdrawn as against the first petitioner/A1.

6.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 2 to 4 with conditions.

7.Accordingly, the petitioners 2 to 4 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 Court, Mudhukulathur, Ramanathapuram District, on condition that the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.

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Sd/-
23/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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

ORDER
IN
CRL OP(MD) No.8191 of 2021
Date : 23/06/2021

VB/PN/SAR.III/29.06.2021/3P/5C