



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/06/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8201 of 2021

1. Periyal @ Palaniyandi @ Parattai
2. Purappan
3. Selvam @ Karuppaiah
4. Arumugam
5. Malaisamy
6. Neelammal

... Petitioners/Accused Nos.1 t 4
and Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Viralimalai Police Station,
Viralimalai, Pudukkottai District.
Crime No. 335 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.Joel Paul Antony,
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.335 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.335 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 05.06.2021, at about 06.00 a.m., when the defacto complainant was coming near the defacto complainant's garden, the accused asked that why he has not cut the seemakaruvela trees. When the defacto complainant replied that he would cut the trees whenever needed, the first accused scolded with dire consequences. On the same day,



at about 07.00 a.m., the accused Palaniyandi and his son Perappan have beaten him with wooden log. When the defacto complainant's uncle Arjunan questioned the accused, he attacked the defacto complainant and one Sathish. Therefore, this case came to be registered.

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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) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that the victims suffered simple injuries. He further submitted that there is a counter case registered against the defacto complainant and his party in Crime No.334 of 2021 under Sections 294(b), 324 and 506(ii) of IPC.

5.Considering the facts and circumstances of the case and the fact that the victims suffered simple injuries and there is a counter case registered against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

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, Ilupur, Pudukkottai District, 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 conditions 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 respondent police daily at 10.30 am., 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]**; and

<https://hcservices.ecourts.gov.in/hcservices/>



[f]If the accused thereafter abscond, 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,
ILUPUR, PUDUKKOTTAI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
VIRALIMALAI, PUDUKKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8201 of 2021
Date :24/06/2021

SM
AE/VR/SAR-II/29.06.2021/3P/5C