



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

Date : 13/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8244 of 2021

1. Satheesh @ Jilla
2. Muthu Kumar
3. Chandru
4. Surya
5. Sonai

... Petitioners/Accused No.1 to 5

Vs

State Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
Crime No 277 of 2021.

... Respondent/Complainant

Rajesh

... Intervenor/Defacto-Complainant
IN CRL MP(MD)No.4409 of 2021
IN CRL OP(MD).No.8244 of 2021

For Petitioners : Mr.V.Selvakumar, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervenor : Mr.G.Bhagavath Singh, Advocate

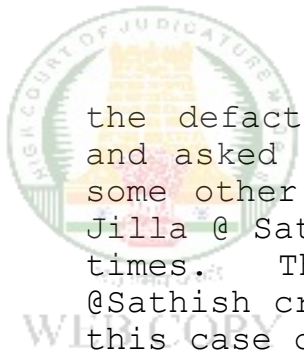
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.277 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 323 and 506(ii) of IPC, in Crime No.277 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 19.06.2021 the defacto complainant's brother Maheswaran had gone to Pasiyapuram Manthai. At that time Gilla @ Sathish, Muthukumar, Chandru, Surya, Soonai were consuming liquor and they picked up quarrel with his brother Maheswaran and beat him . On 20.06.2021 at about 9.00 a.m.,



the defacto complainant took Maheswaran along with Sethupathiraja and asked as to why they had beaten his brother. The accused and some other had joined together and scolded him in filthy language. Jilla @ Sathish attacked Sethupathiraja with knife on his back three times. They had also beaten Sethupathiraja with stick. Jilla @Sathish criminally intimidated them and went from there. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. His further submission is that a counter case has been registered in Crime No.283 of 2021 on the basis of the complaint given by the third petitioner,therefore he seeks anticipatory bail.

4.The learned counsel for the intervenor/defacto complainant opposed the petition on the ground that the accused persons caused serious injuries on the victim. He would also submit that one previous case is pending against the first petitioner in Crime No. 79 of 2017.

5.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. He would also submit that the injured has been discharged from the hospital.

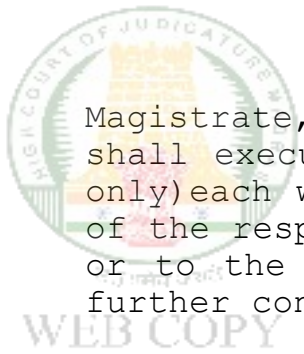
6. It is seen from the allegations in the First Information Report that the accused persons had attacked Sethupathiraja and caused injuries. From the report it is seen that the injured has been discharged from the hospital.

7. The learned counsel for the petitioner also admits that one previous case is crime No.79 of 2017 was pending against the petitioner and that offence was committed when he was juvenile.

8. Considering the fact that one previous case is pending against the petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner hence the petition stands dismissedas against him.

9.Taking note of the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also the fact that except 324 and 506 (ii) of IPC, all other offences are bailable offences and also the fact no previous case is pending against the petitioners 2 to 5 , this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

10.Accordingly, the petitioners 2 to 5 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 the order before the learned District Munsif cum Judicial



Magistrate, Thiruppuvanam on condition that the petitioners 2 to 5 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 5 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 5 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 2 to 5 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 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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/-
13/07/2021

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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, THIRUPPUVANAM.



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

ORDER

IN

CRL OP(MD) No.8244 of 2021

Date :13/07/2021

AAV

MS/AKM/SAR-3/15.07.2021/4P.5C