



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8333 of 2021

1. Muthirulandi
2. Gurunathan
3. Gajendran @ Mic Manikandan @ Manikandan
4. Vellaichamy
5. Arun @ Arun Prakash ... Petitioners/Accused No.1-2,4-6

Vs

State Rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.529/2021. ... Respondent/Complainant

For Petitioners: Mr.G.Vishnuram,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

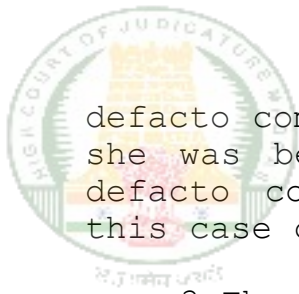
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER:- For Anticiapatory Bail in Crime No.529/2021 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, 448, 294(b), 323, 324, 427 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Section 27(1) of the Arms Act, in Crime No.529 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant's wife Rajeshwari and one Muthirulaandi, with regard to throwing human waste of his children. As a result of that dispute, on 19.06.2021, at about 05.15 p.m., the accused had come in two wheeler and car bearing Registration Nos.TN67 BW 5838 and TN 65 AX 0096 repectively, scolded the defacto complainant and his family members in filthy language, attacked the



defacto complainant with a sword. When his wife tried to intervene, she was beaten by all the accused. They have also damaged the defacto complainant's cellphone worth of Rs.5,500/-. 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) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he submitted that the injured had been discharged from the hospital.

5.Considering the facts and circumstances of the case and the fact that the injured had been discharged from the hospital, 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, Kamuthi, 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;

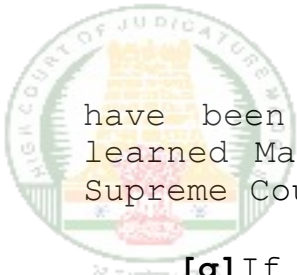
[b]the petitioners are jointly directed to deposit a sum of Rs.5,500/- (Rupees Five Thousand and Five Hundred only) to the credit of Crime No.529 of 2021 before the learned Judicial Magistrate, Kamuthi;

[c]the petitioners shall report before respondent police daily, at 10.30 am., until further orders;

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioners shall not abscond either during investigation or trial;

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

7.The Trial Court is directed to pass appropriate orders at the conclusion of trial including disbursal of this amount to the victim under the provisions of victim compensation.

sd/-
28/06/2021

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

ORDER
IN
CRL OP(MD) No.8333 of 2021
Date :28/06/2021

SM
MS/MNR/SAR-2/30.06.2021/3P.5C