



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

Date : 28/06/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8412 of 2021

1.Balakrishnan @ Bala
2.Vijay
3.Ponnarsankar

... Petitioners No.1 to 3/
Accused No.1 ,3 and 5

Vs

The State rep.by
The Inspector of Police,
Alangudi Police Station,
Pudukkottai.
Crime No.400 of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.V.Bharathan,
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. 400 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, 448, 427, 294(b), 323, 324 and 506(ii) of IPC in Crime
No.400 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was previous enmity
with regard to defacto complainant's son Gokulakrishnan for having
friendship with wife of Bala. In this regard, the accused Vijay
picked up quarrel with Gokulakrishnan. On 14.06.2021, at about 05.30
p.m., when the defacto complainant was in his house along with his
wife, two sons and one relative Meyyaathal, the accused came in a
car bearing Registration No.TN 48 AL 9990 with sickle, knife and
beer bottles. They attacked the defacto complainant with sickle and
Gokulakrishnan with beer bottles and soda bottles. As a result,
defacto complainant, his wife, Gokulakrishnan and Meyyaathal



suffered injuries. The accused also caused damages to the window glasses and motorcycle, worth of Rs.15,000/-. 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 not completed. 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, Alangudi, 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.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.400 of 2021 before the learned Judicial Magistrate, Alangudi;

[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.

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

ORDER
IN
CRL OP(MD) No.8412 of 2021
Date :28/06/2021

SM
TK/VR/SAR.4/30.06.2021/3P/5C