



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8451 of 2021

1.Muthu Kumar
2.Muthuramalingam
3.Danasekaran @ Thanush
4.Thamilarasu
5.Ajithkumar

... Petitioners/Accused
Nos.3,5,6,8,9

Vs

The State Represented by,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
Crime No.153 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.S.Jeyakarthik

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.153 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), 323, 324 and 506(ii) of IPC in Crime No.153 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 evening, when the defacto complainant parked his Tata Ace vehicle near his house, the accused Ajith Kumar dashed against the defacto complainant's vehicle using his two wheeler. When the defacto complainant questioned as to why, he dashed against his vehicle,



Sathish Kumar told him that the defacto complainant was informing the activities of the accused to the Police and attacked the defacto complainant with aruval. The accused Muthukumar attacked the defacto complainant's father with aruval. Another Muthukumar, attacked the defacto complainant's mother with aruval. The defacto complainant's brother's wife Saranya was also attacked by Kamalesh. Muthuramalingam attacked the defacto complainant's brother-in-law with spade. Ajith and Thanush attacked them with wooden log. The defacto complainant's sister Rani was attacked by Ramanadhan and Thamilarasu by wooden log. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. He further submitted that the petitioners 1 and 2 have previous case pending against them. He also submitted that the injured has been discharged from the Hospital.

5. Considering the fact that the accused used deadly weapons to attack the defacto complainant and his family and the fact that the petitioners 1 and 2 have previous case pending against them, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2. However, considering the fact that the injured had been discharged from the Hospital, this Court is inclined to grant anticipatory bail to the petitioners 3 to 5. Therefore, this Criminal Original Petition is allowed in part.

6.Accordingly, the petitioners 3 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 this order, before the learned Judicial Magistrate, Paramakudi on condition that the petitioners 3 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 3 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 3 to 5 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 3 to 5 shall not tamper with evidence or witness either during investigation or trial.



[d]the petitioners 3 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 3 to 5 in accordance with law as if the conditions have been imposed and the petitioners 3 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/-
05/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4338[I]dated
05/07/2021)

ORDER
IN
CRL OP(MD) No.8451 of 2021
Date : 05.07.2021