



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

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8538 of 2021

1.Dhanapal
2.Palanichamy

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.354 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.Kannan,
Advocate.

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

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

PRAYER :-

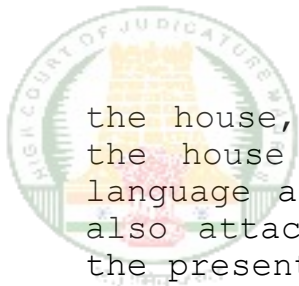
For Anticipatory Bail in Crime No. 354/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(i) of I.P.C., in Crime No.354 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that there is a dispute between the petitioners and the defacto complainant in connection with disbursement of compensation paid for the death of one Moorthy in road accident. Chellammal and her sons namely., Palanichamy and Dhanapal used to come to pickup fight with the defaco complainant claiming the share in the compensation amount. On 19.06.2021 at about 05.00 pm., when the defacto complainant and her sister were in



the house, Dhanapal, Lakshmi, Palanichamy and Ranjitha had come to the house of the defacto complainant and abused them in filthy language and asked their share in the compensation amount and they also attacked Chellammal and the defacto complainant. Therefore, the present case came to be registered.

WEB COPY

4.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

5.The learned Government Advocate (Crl. Side) opposed this petition on the ground that the investigation is not completed. He further submitted that injured has been discharged from the hospital.

6.Considering the nature of dispute and considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 No.I, Kulithalai, 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 condition 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 the respondent police, daily at 10.30 a.m., 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]**;



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

sd/-
30/06/2021

WEB COPY

/ 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 No.I, KULITHALAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8538 of 2021
Date :30/06/2021

IAS
TK/VR/SAR.5/02.07.2021/3P/5C