



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

Date : 07/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8543 of 2021

1.Paalsamy
2.Kodeeshwaran
3.Periyasamy
4.Mariyammal

... Petitioners/Accused
No.1,2,4,5

Vs

The State rep.by
The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.131 of 2021.

... Respondent/Complainant

For Petitioners : Mr.A.Haja Mohideen,
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.131 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, 336, 506(i) IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.131 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is an issue between the defacto complainant and the accused in connection with the wall standing between their houses. On 15.06.2021, at about 09.00 pm., Mariyammal scolded the defacto complainant in filthy language. When the defacto complainant asked her why she was speaking like that, one Baluchamy came to attack him. One Periyasamy hit him with stone on his head. One Kodeeshwaran and one Bharath came there in bike with wooden log. Mariyammal pushed down the defacto complainant's



wife and the said Kodeeshwaran had ridden the bike on the left thigh of the defacto complainant's wife. As a result, she suffered fracture. Hence, the complaint.

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(Clr.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he submitted that the injured person has already been discharged from the hospital.

5.Reading of FIR shows that though the petitioners alleged to have attacked the defacto complainant and his family members, there is a specific allegation against the second petitioner/Kodeeshwaran that he had ridden his bike on the left thigh of the defacto complainant's wife and caused fracture on her left thigh. Therefore, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this criminal original petition is dismissed against the second petitioner.

6.As far as other petitioners are concerned, since the injured persons had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 1,3 & 4.

7.Accordingly, the petitioners 1,3 & 4 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, Srivilliputhur, on condition that the petitioners 1,3 & 4 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 1,3 & 4 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1,3 & 4 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1,3 & 4 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 1,3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 1,3 & 4 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/-
07/07/2021

/ 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 No.I, SRIVILLIPUTHUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8543 of 2021
Date :07/07/2021

gns
TK/MNR/SAR.2/12.07.2021/3P/5C