



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

Date : 05.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8758 of 2021

1.Muthumariappan
2.Kombaiyan
3.Siva

... Petitioners/Accused 1,2 & 4

Vs

The State Represented by,
The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
Crime No.121 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.Pandian,
Advocate

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

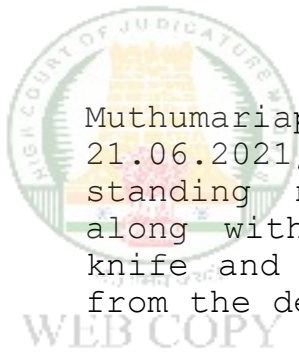
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.121 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 341, 342, 294(b), 323, 324, 387 and 506(ii) of IPC in Crime No.121 of 2021, seek anticipatory bail.

2.The case of the prosecution is that one year prior to 05.02.2021, Muthumariappan and his friends had come in two wheeler and that two wheeler met with an accident and dashed against the JCB. As a result of which, Adhipan died. During the said accident, Muthumariappan jumped from the two wheeler. Therefore, Adhipan's brother picked up a fight with Muthumariappan stating that because of the fight, Adhipan died. From the two wheeler, the accident happened.



Muthumariappan developed enmity with the defacto complainant. On 21.06.2021, at about 09.00 pm, when the defacto complainant was standing near Kulasekaranalloor Pillayar Temple, Muthumariappan along with the co-accused attacked the defacto complainant with knife and wooden log. They also took Rs.20,000/- and cell phone from the defacto complainant. 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 injured was treated as out patient.

5.Considering the nature of case and the fact that the injured was treated as out patient, 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, Vizhathikulam 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 respondent police daily at 10.30 am., 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/-
05/07/2021

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

ORDER
IN
CRL OP(MD) No.8758 of 2021
Date :05/07/2021

MBI
JM/VR/SAR IV/07.07.2021/3P/5C