



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8776 of 2021

1. Muthusamy
2. Ganesan
3. Ramesh

... Petitioners/Accused 1 to 3

Vs

State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
Crime No.784 of 2021.

... Respondent/Complainant

For Petitioners : Mr.T.LENIN KUMAR,
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.784 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 294(b), 323 & 506(i) IPC in Crime No.784 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 24.06.2021, at about 12.00 pm., the accused came with workers and tried to harvest coconut from the land of the defacto complainant. When the defacto complainant tried to obstruct them, accused Ganesh, hit her with spade and accused Muthusamy attacked her with stick and accused Ramesh scolded her in filthy language. 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(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending and the accused having previous cases pending against them. However, he conceded that injured person has been discharged from the hospital.

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5.It is seen that previous case pending against the first petitioner/Muthusamy was disposed of and one previous case is pending against the second petitioner/Ganesan. Accused Ramesh/third petitioner is having nine previous cases, in which two cases were registered under Section 109 Cr.P.C., cases and two cases were registered under the provisions of the Mines and Minerals Act and investigation in those cases are pending.

6.Taking all these factors into consideration and the fact that injured discharged from the hospital and also the fact that previous case against the first petitioner was disposed of, this Court is inclined to grant anticipatory bail to the first petitioner alone.

7.Considering the nature of the previous cases pending against the second and third petitioners, this Court is not inclined to grant anticipatory bail to the second and third petitioners and this criminal original petition is dismissed as against them.

8.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 first petitioner 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.

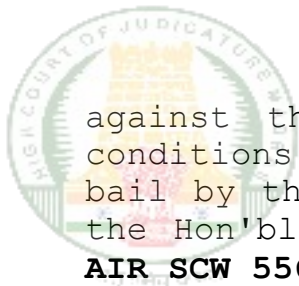
[b]the first petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the first petitioner 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

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against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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

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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,
ARANTHANGI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8776 of 2021

Date :05/07/2021

GNS

AE/MNR/SAR-1/07.07.2021/3P/5C