



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8840 of 2021

1. Packiyaraj
2. Ramasubbu
3. Kannan

... Petitioners/Accused No.1-3

Vs

The State Rep. by
The Inspector of Police,
Seidunganallur Police Station,
Seidunganallur,
Thoothukudi District.
Crime No. 129 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Sorimuthu V,
Advocate.

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

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

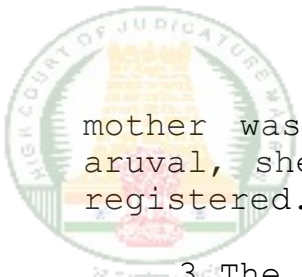
PRAYER :-

For Anticipatory Bail in Crime No.129 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 452, 294(b), 324, 323, 506(ii) and 109 of IPC and Section 4 of TNPHW Act, in Crime No.129 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is previous enmity between the de-facto complainant and his family members and one Packiaraj on 18.06.2021 at about 01.00 p.m., the de-facto complainant came to his house for lunch, the accused Packiaraj along with two other accused trespassed into his house with deadly weapons like aruval and kathi and Packiaraj attacked the de-facto complainant with aruval on his head, left hand and right hand. His



mother was pushed down and the said Packiaraj attacked her with aruval, she also suffered injury. Therefore, this case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, they seek anticipatory bail.

4. The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed and one previous case is pending against the petitioners 1 and 2. He fairly conceded that the injured was already discharged from the hospital.

5. The narration of the events shows that the first accused had attacked the de-facto complainant and his mother with aruval. It is also seen that the first petitioner is having one previous case pending against him along with the second petitioner (Ramasubbu). Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner.

6. Considering the facts and circumstances of the case and the fact that the entire allegation is against A1 and also the fact that there is no overt act attributed against the petitioners 2 and 3, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions:

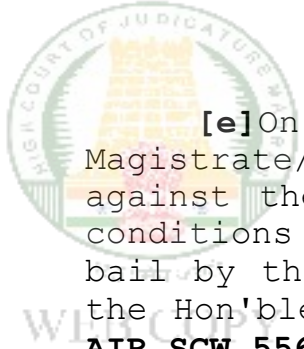
7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaigundam, on condition that the petitioners 2 and 3 shall 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 2 and 3 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 2 and 3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-
06/07/2021

/ 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, SRIVAIGUNDAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
SEIDUNGANALLUR,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to Mr.V.SORIMUTHU, Advocate (SR-4362[I] dated 06/07/2021)

ORDER
IN
CRL OP(MD) No.8840 of 2021
Date :06/07/2021