



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

Date : 04/08/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.8938 of 2021

1. Sarath @ Sarath Kumar
2. Ramu
3. Manikandan
4. Bala @ Balamurugan ... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District
(Crime No.363/2021).

... Respondent/Complainant

For Petitioners : Mr.M.S.JEYAKARTHIK,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.363 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C in Crime No.363 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioner submitted that though this anticipatory bail application was filed seeking anticipatory bail for accused nos.1 to 4, pending this application, accused nos.2 to 4 were arrested by the respondent police and they were also released on bail and therefore, the learned counsel for the petitioners confines this petition for the first petitioner alone and not press the petition insofar as the other accused are concerned.



3.The case of the prosecution is that on 27.03.2021, during the celebration of village temple festival, a dispute arose between two groups with regard to playing volley ball in the School ground. Hence, the complaint.

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4.The learned counsel for the petitioners would submit that the first petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the injured has been discharged from the hospital. He would further submit that apart from this case, the first petitioner is also involved in another case.

6.Considering the facts and circumstances of the case, the injured has been discharged from the hospital and the co-accused have also been released on bail, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on 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 learned Magistrate concerned and on further conditions that:

(a)the first petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only) as non refundable amount to the account of Tamil Nadu Chief Minister's Relief Fund. The first petitioner shall execute the sureties on showing the receipt of the said amount.

(c)the first petitioner shall report before the respondent police once in a week i.e on every Monday at 10.30 a.m for a period of four weeks.

(d)the first petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the first petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action 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]***; and;

(g)if the accused/ first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.This Criminal Original Petition is dismissed in respect of petitioners 2 to 4 herein.

sd/-

04/08/2021

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

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to Mr.M.S.JEYAKARTHIK, Advocate SR.No.5084

**ORDER
IN**

CRL OP(MD) No.8938 of 2021
Date :04/08/2021