



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8953 of 2021

1. Siva
2. Vanjinathan
3. Sooriyamoorthy
4. Adiyan
5. Periyasamy
6. Thamarai Selvam

... Petitioners/Accused rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District,
Crime No.436/2021.

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate.

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

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

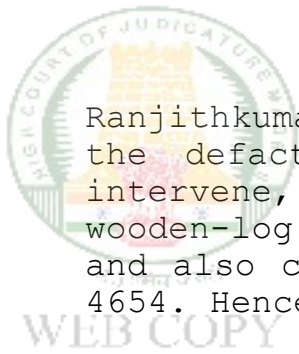
PRAYER :- For Anticipatory Bail in Crime No.436 Of 2021 on the file of the respondent Police.

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), 324, 427 and 506(ii) IPC in Crime No.436 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has previous enmity with accused Sooryamorthy in connection with construction business for over seven years. On 29.06.2021, at about 09.30 pm., when he was in house with his family members, the accused came there and scolded him in filthy language and asked him to come out of the house. When he saw out side, all the accused gathered there with wooden-log. Accused vanjinathan caught hold him, accused Adiyan hit him with wooden-log on his head, accused Siva attacked

<https://hcservices.ecourts.gov.in/hcservices/>



Ranjithkumar was attacked by one Periyasamy with wooden-log. When the defacto complainant's uncle son Chandrasekar came there to intervene, he was also attacked by Sooryamorthy and Adiyan with wooden-log. Then, all the accused have criminally intimidated them and also caused damage to the car bearing registration No.TN 49 CX 4654. 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 the petitioners 1, 4, 5, 6 have previous cases pending against them. The details of the previous cases are as follows:

1.Cr.No.687 of 2020 under Section 270 IPC pending against the first petitioner.

2.Cr.No.82 of 2018 under Sections 294(b), 341, 506(2)IPC pending against the sixth petitioner.

3.Cr.No.500 of 2020 under Section 270 IPC pending against the fourth petitioner.

4.Cr.No.932 of 2020 under Sections 188, 269 IPC pending against the fifth petitioner.

5.Considering the nature of incident and the fact that the petitioners 1, 4, 5, 6 have previous cases pending against them, this Court is not inclined to grant anticipatory bail to the petitioners 1, 4, 5, 6. Accordingly, this criminal original petition is dismissed against the petitioners 1, 4, 5, 6.

6.However, considering the fact that injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3.

7.Accordingly, the petitioners 2 & 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, Pattukottai, on condition that the petitioners 2 & 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 & 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 & 3 shall report before respondent police daily at 10.30 am., until further orders.



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

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

08/07/2021

/ 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,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8953 of 2021

Date :08/07/2021.

GNS

MK/VR/SAR IV/13.07.2021/3P/5C