



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

Date : 08/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8949 of 2021

1.Chandru @ Chandrasekar
2.Jeyam

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Sellur Police Station,
Madurai District.
(C.No.500 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Mohideen Basha.N.,
Advocate.

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

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

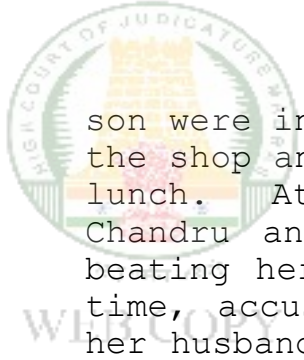
PRAYER :-

For Anticipatory bail in Crime No.500 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, 294(b), 323, 324, 427, 448 and 506(2)IPC in Crime No.500 of
2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is running Rasi Furniture opposite to ESI hospital, Thathaneri Main
Road. On 23.06.2021, a car was parked opposite to his shop. The
occupants in the car came for fixing marriage in neighbors' house.
When the defacto complainant was cleaning the shop with broomstick,
accused Chandru scolded him as to why he was cleaning when they came
for fixing the marriage. On 30.06.2021, at about 11.00 am., the
defacto complainant's husband was going near meat shop of Muthaiah.
Accused Chandru and Muthaiah asked him to seek apology for the
incident that had happened last week and picked up fight with him.
Her husband refused to seek apology. At about 01.30 to 02.30 pm.,
her husband had gone for lunch and the defacto complainant and her



son were in the shop. At about, 02.30 pm., her husband came back to the shop and the defacto complainant and her son left from there for lunch. At about 03.20 pm., she was informed through phone that Chandru and some other accused had trespassed into her shop and beating her husband. Immediately she rushed to the shop. At that time, accused Chandru, Jeyam and other accused have been scolding her husband. She went inside the shop and saw her husband suffered injury on his head. She enquired with her husband what had happened and he told that the accused Chandru and other accused said to have trespassed into the shop and attacked him. They also criminally intimidated that if he continues to run shop, he would be eliminated. Hence, the complaint.

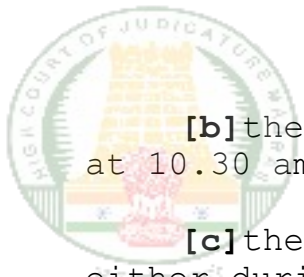
3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that injured person had been discharged from the hospital.

5.It is seen from the submissions that there is a counter case registered in Cr.No.501 of 2021 under Sections 294(b), 323, 379 IPC on the basis of the complaint given by one Jeyam against the defacto complainant and her family members. It is seen from the narration of facts that due to minor dispute that when the accused in this case came for fixing marriage in a neighbor's house, the defacto complainant was cleaning the shop with broom-stick. Hence, the accused scolded her in filthy language and thereafter, subsequent events resulted in causing injuries on the defacto complainant's husband. It is also alleged that the petitioners also suffered injuries and counter case filed. Taking into consideration the facts of the case and the fact that the injured person had been discharged from the hospital, 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 No.II, Madurai 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/-

08/07/2021

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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 No.II, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.8949 of 2021

Date :08/07/2021