



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9127 of 2021

1.Karupasamy
2.Sankaralingam
3.Karuppasamy
4.Karthika @ kartheeswari ... Petitioners/Accused No. 1 to 4

Vs

The State Represented by,
The Sub Inspector of Police,
Pandalkudi Police Station,
Virudhunagar District.
Cr No.43/2021. ... Respondent/Complainant

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

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

PRAYER :-

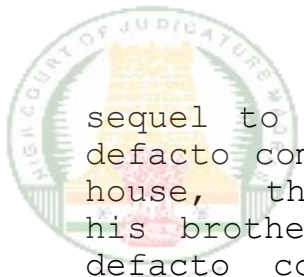
For Anticipatory Bail in Crime No.43 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.43 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is long standing dispute between the defacto complainant family and the accused. As a

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sequel to that dispute on 04.07.2021 at about 4.30 hrs when the defacto complainant and his brother were standing in front of their house, the accused came there with aruval. Karuppasamy attacked his brother with stick on this head. Sankaralingam attacked the defacto complainant with stick on the backside of his head. Karthicka abused them in filthy language and attacked his brother on his right eye. The accused persons criminally intimidated them and left the place. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that a counter case has been registered in Crime No. 44 of 2021 for the offences under Sections 147,148,324 and 506(ii) of IPC based on the complaint given by the first petitioner.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However, he fairly concedes that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also the fact that except 324 and 506 (ii) of IPC, other offence is bailable offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Arupukkottai 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 the respondent police, daily at 10.30 a.m., 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/-
15/07/2021

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/ /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,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.B.MUNEESWARAN, Advocate SR.No. 4613

ORDER
IN
CRL OP(MD) No.9127 of 2021
Date :15/07/2021

AAV
SS/JC/SAR-II/15.07.2021 : 3P/6C

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