



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9159 of 2021

1.Sathish Kumar

2.Rajesh

... Petitioners/Accused Nos.1 & 4

Vs

The State Rep.by,
The Inspector of Police,
Pettavaithalai Police Station,
Pettavaithalai, Trichy.
Crime No.271/2021.

... Respondent/Complainant

For Petitioner : Mr.P.Santhana Krishnan,
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. 271 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, 355 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.271 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, on 18.06.2021, at about 05.30 pm., the accused Sathish Kumar attacked the defacto complainant's son with wooden-log. On hearing the noise of his son, he asked the accused as to why he attacked his son, Sathishkumar's wife attacked him with her chappel. When the elder son of the defacto complainant tried to intervene, he was attacked by one Rajesh. Then all the accused scolded them in filthy language and attacked with hands. 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. He also submitted that one previous case is pending against the petitioners in Cr.No.14 of 2019 under Sections 294(b), 323, 506(i) IPC. However, he conceded that the injured person in this case has been treated as out patient.

5.It is seen from the submission made that the incident had taken place due to previous enmity and the injured person in this case has been treated as out patient. Taking note of all these facts and also the fact that the previous case is of the year 2019, 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 District Munsif cum Judicial Magistrate, Sri Rangam 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/-
12/07/2021

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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 DISTRICT MUNISIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PETTAVAITHALAI POLICE STATION,
PETTAVAITHALAI, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9159 of 2021
Date :12/07/2021

GNS
RT/JC/SAR-1/14.07.2021/3P/5C