



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9187 of 2021

1. S.Sankar @ Ulaganathan
2. S.Poothapandi
3. R.Vinoth

... Petitioners/Accused no. 1to3

Vs

The State rep.by,.
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
Crime.No. 451 of 2021..

... Respondent/Complainant

For Petitioners: Mr.Ramachandran S.R.A.,
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.451 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 342, 323, 307 and 506(ii) of IPC, in Crime No.451 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an advocate. There is previous enmity between defacto complainant and one Sankar @ Ulaganathan. On 25.06.2021 at about 5.15 pm., when he was standing near his house the accused Boothapandi tried to attack him with aruval but he evaded the attack. At that time Boopathapandi came behind him and caught hold his hands, Sankar Vinoth, Ananth, Ramkumar came there and attacked him. Thereafter Vinoth attacked him with stick on his head. As a result he suffered injuries. They also criminally intimidated him and ran away. 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.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. He would also submit that the injured has been discharged from the hospital. He would also submit that the one previous case is Crime No.439 of 2021 for offences under Sections 294(b) and 323 of IPC is pending against the second petitioner.

5. Considering the fact that one previous case of similar nature is pending against the 2nd petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner hence the petition stands dismissed against him.

6.Taking note of the fact that the incident had happened due to previous enmity and the fact that the injured has been discharged from the hospital and also the fact that except 307 and 506 (ii) of IPC, all other offences are bailable offences and also the fact that no previous case is pending against the petitioners 1 and 3, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 with certain conditions.

7.Accordingly, the petitioners 1 and 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 No.V, Tirunelveli on condition that the petitioners 1 and 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 1 and 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;

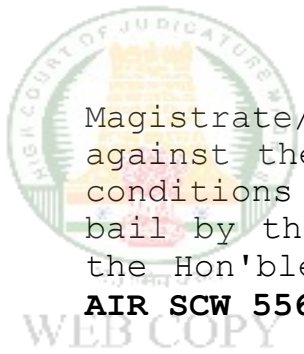
[b]the petitioners 1 and 3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 1 and 3 shall not abscond either during investigation or trial;

[e]On breach of any of the aforesaid conditions, the learned

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



Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 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/-
12/07/2021

/ 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 No.V, TIRUNELVELI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3.THE INSPECTOR OF POLICE,
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9187 of 2021
Date :12/07/2021

SA/JC/SAR I/12.07.2021/2P/5C