



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.07.2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9794 of 2021

1.K.Pandikumar

2.Chelladurai

... Petitioners/Accused 1 & 2

Vs

The State Represented by,
The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
Crime No.75 of 2021

... Respondent/Complainant

For Petitioners : Mr.R.SUNDAR, Advocate.

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

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

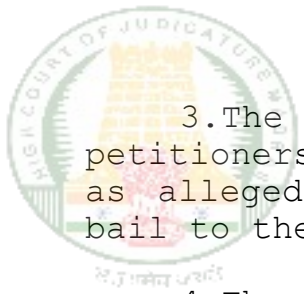
PRAYER :-

For Anticipatory Bail in Crime No.75 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 294(b), 324 and 506(2) of IPC in Crime No.75 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021, at about 06.45 pm, when the defacto complainant, Kannan and Annakodi were coming near Oor Chavadi, the accused Pandikumar and Chelladurai were talking in abusive language under the influence of alcohol. When the defacto complainant asked them why they were behaving like that, they started attacking them with firewood and made criminal intimidation. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending and that this is the third anticipatory bail application. However, he submitted that the injured have been discharged from the Hospital.

5. Perusal of the records shows that the first anticipatory bail petition was filed when there was no First Information Report registered. The second anticipatory bail petition was dismissed on the ground that the dismissal of the first anticipatory bail petition was not mentioned in the second anticipatory bail petition. This is the first time, this Court is going to deal this case on merits. Even after dismissal of the second anticipatory bail petition, the respondent has not chosen to arrest the petitioner. There is no point in keeping this case in the First Information stage itself. It is also seen that there is a counter case in Crime No.73 of 2021 under Sections 147, 294(b) and 323 of IPC.

6. Considering the nature of the incident and the fact that the injured have been discharged from the Hospital, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Judicial Magistrate No.1, Virudhunagar 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



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.

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sd/-
26/07/2021

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

+1. CC to M/S.SUNDAR R Advocate SR.No.4840

ORDER
IN
CRL OP(MD) No.9794 of 2021
Date :26/07/2021

SA/VR/SAR.4/27.07.2021/3P/6C