



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9367 of 2021

1. Mallika
2. Thanga Pushpam
3. Pushbakani
4. Sudha
5. Reghu
6. Bama

... Petitioners/Accused No.2,4,5,8,9 and 10

Vs

The State rep.by,
The Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.
(Crime No.170 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham,
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.170 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2, A4, A5, A8, A9 and A10, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 354(b), 379 of IPC and Section 4 of TNPWH Act, in Crime No.170 of 2021 seek anticipatory bail.

2.The case of the prosecution is that on 16.06.2021 at about 11.00 a.m., the de-facto complainant was returning from fair price shop, Narayanan, Thangapushbam and Pushbakani pushed him down and beaten with stick. Then Ponsekar, Mallika, Narayanan, Sudha, Rajeswari, Vijayan, Thangapushbam, Pushbakani, Bama, Regu, Rajeswari and Balasaraswathi had also joined and beaten him with



stick. They removed hair from his head and tortured him and also abused in filthy language. His daughter, namely, Suganya and Sunitha came to rescue him and they were also beaten by the accused in this case. Therefore, this case came to be registered.

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

4.The learned Government Advocate (Crl.side) for the respondent opposed this petition on the ground that investigation in this case is not completed.

5.The narration of the facts shows that the de-facto complainant is said to have indiscriminately beaten by all the accused with stick and also the accused tried to snatch his jewels and cellphone. It is submitted that some of the accused have been arrested and released on bail.

6.Taking note of the facts and circumstances of the case and the fact that the injured had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

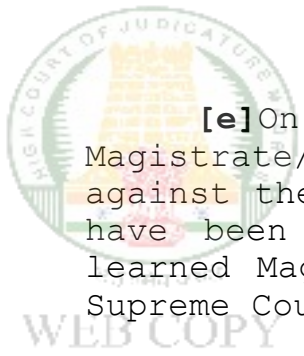
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that the petitioners 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/-

16/07/2021

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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,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
PALAVOOR, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9367 of 2021

Date :16/07/2021

SJI

MK/SRS/SAR.III/22.07.2021/3P/5C