



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)

Date : 19/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9370 of 2021

WEB COPY

1.Muruganantham

2.Raja @ Muneeswararaja

3.Siva

... Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
Crime No.390 of 2021

... Respondent/Complainant

For Petitioners : Mr.Sathyachidambaram,
Advocate.

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

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

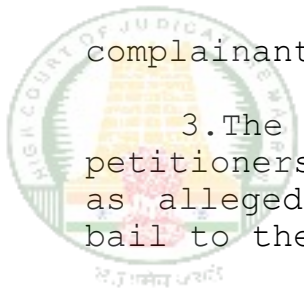
PRAYER :-

For Anticipatory Bail in Crime No. 390/2021 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, 427 and 506(1) of IPC, in Crime No.390 of 2021, seek
anticipatory bail.

2. The case of the prosecution is that there is previous enmity
between the defacto complainant and the accused Muruganantham. The
accused Muruganantham invited the defacto complainant to his house
at about 08.00 pm on 05.07.2021 for resolving the pending issues.
Believing his words, the defacto complainant visited the accused
Muruganantham's house. But no solution could be reached. The
accused tried to attack the defacto complainant with wooden logs and
aruval. He escaped from there and came to his brother's house.
Then the accused broke the compound wall of his brother's house and
came in and attacked him with aruval. Therefore, he suffered
injuries on his nose and head. They have also broken the defacto



complainant's brother's car. Therefore, this case.

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. It is his further submission that the first accused has 10 previous cases pending against him. He also submitted that the injured had been discharged from the Hospital.

5. Considering the nature of the incident and the fact that the injured had been discharged from the Hospital, this Court is of the view that custodial interrogation of the petitioners 2 and 3 is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3. Considering the fact that the first petitioner has 10 previous cases pending against him, this Court is not inclined to grant anticipatory bail to the first petitioner. This Criminal Original Petition is allowed in part.

6. Accordingly, the petitioners 2 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 Judicial Magistrate, Aranthangi, Pudukottai District on condition that the petitioners 2 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 2 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 2 and 3 shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 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/-
19/07/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate,
Aranthangi, Pudukottai District.
- 2.Do-Through The Chief Judicial Magistrate,
Pudukkottai Dist.
- 3.The Inspector of Police,
Mimisal Police Station,
Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
in

CRL OP(MD) No.9370 of 2021

CN(22.07.2021) 3P 5C