



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

Date : 15/07/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.9389 of 2021

Viji @ Palanisamy

... Petitioner/Accused No.8

Vs

The State Rep. by,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.331 of 2019).

... Respondent/Complainant

For Petitioner : Mr.P.Balamurugan,
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.331 of 2019 on the file of Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,294(b),323,324, 341 and 307 of IPC, in Crime No.331 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that there is a previous dispute between the defacto complainant and one Kumaresan in connection with pathway dispute. He filed case before this Court and got order. In pursuance to the said order he was making arrangement for fencing. While he was fencing his property on 03.10.2019 at about 08.30 hrs the accused had come there with aruval and abused him in filthy language and started attacking him with aruval and caused injuries. Kumaresan attacked him with aruval on his right chin. His father and mother also sustained injuries due to the attack made by Kumaresan. His brother Baladhanthayutham was



attacked by the accused persons using sticks. The accused persons criminally intimidated them and escaped from there. Therefore, this case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that in the First Information Report the name of the petitioner is given as Viji S/o. Kamaraj but his real name is Viji @ Palanisamy S/o. Kamaraj.

4. The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition. He would further submit that the investigation has been completed and the final report has been filed before the concerned Court.

5. Taking into consideration the facts and circumstances of the case and the fact that the investigation in this case is completed and the final report has been filed before the concerned Court, custodial interrogation of the petitioner is very much not, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner 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 petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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sd/-
15/07/2021

/ /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
KODAIKANAL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-4617[I] dated 15/07/2021)

ORDER
IN
CRL OP(MD) No.9389 of 2021
Date :15/07/2021

AAV
USK/JC/SAR-I : 19/07/2021 : 3P/6C