



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9448 of 2021

1. Kaviyarasu
2. Ganesan
3. Aravinth
4. Arunpandi
5. Masilamani

... Petitioners/Accused No.1-5

Vs

The State Rep. by,
The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime No.131 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Samy.K.K,
Advocate.

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

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

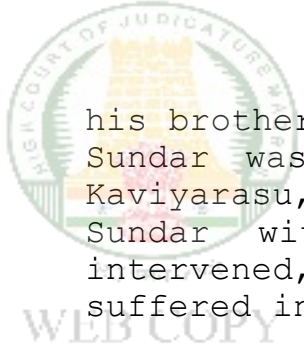
PRAYER :-

For Anticipatory Bail in Crime No.131 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 147, 294(b), 323, 324 & 506(i) IPC in Crime No.131 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.05.2021 at about 08.45 pm., Kaviyarasu, Aravind, Arunpandi, Masilamani were consuming alcohol in front of Thillaiyadi Valliyammai Savadi and talking in abusing language. One Sundar had crossed that place and questioned, why they were behaving like that. Therefore, Kaviyarasu, Arunpandi, Aravind and Masilamani attacked Sundar. The defacto complainant and



his brother intervened and at about 09.45 pm., on the same day, when Sundar was coming near Dhandapani Station, after buying milk, Kaviyarasu, Ganesan, Aravind, Arunpandi and Masilamani attacked Sundar with hands and stones. When the defacto complainant intervened, he was also attacked by the accused. As a result, they suffered injuries. Hence, the complaint.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed and the first and second petitioner are having three previous cases pending against them, the third petitioner has four previous cases pending against him and the fourth petitioner has two previous cases pending against him.

5.It is seen from the allegations made in FIR that the accused under the influence of alcohol, used filthy language and attacked the defacto complainant and one Sundar twice on the same day. It is also seen that the petitioners 1 to 4 are having previous cases pending against them. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners 1 to 4 and this petition is dismissed against the petitioners 1 to 4. However, considering the fact that the injured person had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the fifth petitioner.

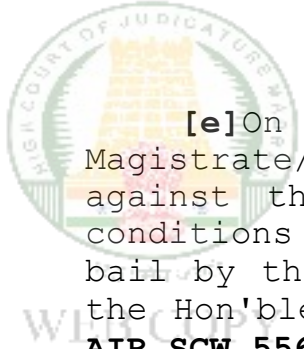
6.Accordingly, the fifth petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, on condition that the fifth petitioner shall execute a 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 fifth 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 fifth petitioner shall report before respondent police daily at 10.30 am., until further orders.

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

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

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-4650[I] dated 16/07/2021)

ORDER
IN
CRL OP(MD) No.9448 of 2021
Date :16/07/2021