



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

Date : 22/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9659 of 2021

1.K.Perumalsamy
2.P.Madhikumar

... Petitioners/A1&A2

Vs

State rep.by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.840 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.R.Sathish,
Advocate.

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

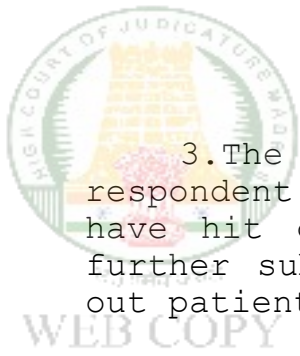
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.840 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), 323, 324, 506(ii) IPC in Crime No.840 of 2021, seek anticipatory bail.

2.The learned counsel appearing for the petitioners submitted that the first petitioner is father and the second petitioner is son. The petitioners are running a business of sound service system and other lighting arrangements during festival and other similar occasions. In this case, they had undertaken sound service in a village of Chidambarapuram where the organizers of the festival conducted public auction. The defacto complainant in this case had also taken part in the public auction whereas they had quoted the contract for Rs.55,000/- for sound service system and these petitioners quoted Rs.30,000/-. Therefore, sound service and other lighting works given to the petitioners. Due to that motive, the defacto complainant alleged to have come to the house of the petitioners and indulged in quarrel with them. Consequently, both side had attacked each other, resulting injuries.



3.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the first petitioner alleged to have hit on the head of the defacto complainant with stone. He further submitted that the defacto complainant had been treated as out patient and there is a counter case also pending.

4.Considering the submission of the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners.

5.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 No.I, Kovilpatti 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.

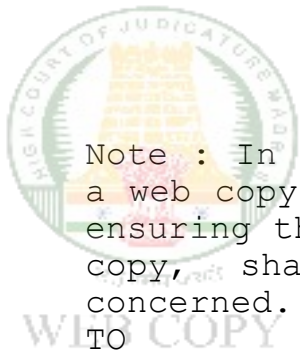
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
22/07/2021

/ 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
KOVILPATTI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3.THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.G.R.SATISH, Advocate (SR-4776[I] dated 22/07/2021)
ORDER
IN
CRL OP(MD) No.9659 of 2021
Date :22/07/2021

GNS
RT/JC/SAR-II/26.07.2021/3P/6C